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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9935

DIRECTING THE TRANSFER OF CERTAIN VESSELS TO THE GOVERNMENT OF ITALY

By virtue of the authority vested in me by the Constitution and laws of the United States, including the Trading with the Enemy Act of October 6, 1917 (40 Stat. 411), as amended, and the act of August 5, 1947, Public Law 370, 80th Congress, 1st Session, it is hereby ordered as follows:

1. The Attorney General and the United States Maritime Commission are authorized and directed to transfer to the Government of Italy all right, title, interest, and possession of the United States, the Attorney General, or the Maritime Commission in the following vessels, which were under Italian registry and flag on September 1, 1939:

ELWOOD (ex. LACONIA)
GALLANT FOX (ex. GUIAN)
GOLD HEELS (ex. BRENNERO)
HERMITAGE (ex. CONTE BIANCAMANO)
LOWLANDER (ex. LEME)
MOKATAN (ex. MAR GLAUCO)
TROUBADOR (ex. CONFIDENZA)
TYPHOON (ex. COLORADO)
WHITE CLOVER (ex. MONFIORE)
ALCIBIADES (ex. IOLE FASSIO)
FAIRENO (ex. DENTICE)
MALVERN (ex. TROTTIERA)
MONTICELLO (ex. CONTE GRANDE)
SWIVEL (ex. BACICIN PADRE)

2. The United States Maritime Commission is authorized and directed to designate 15 surplus Liberty ships and to transfer them to the Government of Italy, it having been determined by the Commission that 15 Liberty ships have a total tonnage approximately equal to the total tonnage of vessels under Italian registry and flag on September 1, 1939, and subsequently seized in United States ports and thereafter lost while being employed in the United States war effort.

3. The above transfers shall be made pursuant to agreements to be executed by the Attorney General or the United States Maritime Commission or both, as the case may require, acting on behalf of the United States, and by the Government of Italy, which agreements shall contain substantially the following provisions and such other provisions consistent with the act of August 5, 1947, as the Attorney General and the Maritime Commission, in consultation with the Secretary of State, shall consider necessary and appropriate:

(a) No monetary compensation shall be paid for the use by the United States or its agencies of former Italian vessels acquired or seized by the United States after September 1, 1939.

(b) All costs incurred to return or transfer a vessel to the Government of Italy shall be borne or reimbursed by the Government of Italy.

(c) The Government of Italy shall agree to discharge and save harmless the Government of the United States of America from any responsibility and liability for the processing, settlement and satisfaction of any claims to or against the vessels so transferred or the lost vessels in respect of which substitute vessels are transferred.

(d) Prior to the removal of any vessel to be transferred from the custody, actual or constructive, of any court, the Government of Italy shall make or cause to be made arrangements, including the posting of a stipulation for value or other security in nature and amount satisfactory to such court, to secure the payment of any unpaid claims against the vessel.

(e) Of the 15 surplus Liberty ships designated for transfer to the Government of Italy the Maritime Commission shall retain such number as will constitute security for the payment of such sums of money as the Attorney General may determine sufficient for the processing, settlement and satisfaction of any claims not otherwise secured to or against the lost vessels in respect of which the substitute ships are being transferred.

(f) Delivery of the HERMITAGE (ex. CONTE BIANCAMANO) and MONTICELLO (ex. CONTE GRANDE) pursuant to this order shall be without prejudice to any rights of the Government of the United States, under existing agency agreements with the Government of Italy, with respect to (1) accounting for

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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revenues of such vessels accruing prior to the date of delivery of such vessels pursuant to this order, and (2) the operation of the SS SATURNIA and SS VULCANIA, or either, in accordance with existing agreements between the United States and Italy.

4. The Liberty ships to be transferred to the Government of Italy shall be selected by the United States Maritime Commission, in consultation with the Government of Italy, such vessels to be operated by Italy for commercial use. Provision shall be made that such Liberty ships are to be operated under the Italian flag and shall not be sold to any person or corporation not a national of Italy, without the consent of the Government of the United States.

5. The Attorney General and the United States Maritime Commission shall act in consultation with the Secretary of State in carrying out the terms of this Executive order with all possible promptness in a manner which will effectuate the foreign policy of the United States to assist friendly and democratic European nations to rebuild their economies without delay.

HARRY S. TRUMAN

THE WHITE HOUSE,
March 16, 1948.

[F. R. Doc. 48-2384; Filed, Mar. 16, 1948; 3:55 p. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 927—MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

MISCELLANEOUS AMENDMENTS

§ 927.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159, 4904), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area; and the decision (13 F. R. 452) was made with respect to amendments by the Secretary on January 28, 1948. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as heretofore amended and as hereby further amended, and all of the terms and conditions of said order, as so amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other ecomic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as heretofore amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Additional findings.* It is necessary to make effective promptly the present amendments to the said order, as amended, to reflect current marketing conditions, and to insure the proper pricing of milk subject to the order. Orderly

marketing of milk will be jeopardized by any delay beyond April 1, 1948 in the effective date of this order, as amended, and as hereby further amended. The changes effected by this order, amending the order, as amended, do not require substantial or extensive preparation by persons affected prior to the effective date. The time intervening between the date of issuance of this order and its effective date affords persons affected a reasonable time to prepare for its effective date. In view of the foregoing, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication. (Sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended and as hereby further amended, which is marketed within the New York metropolitan milk marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area which was heretofore approved by the Secretary of Agriculture (13 F. R. 452); and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order further amending the said order, as heretofore amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order further amending the said order, as heretofore amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of the order, and who, during October 1947 (said month having been determined to be a representative period), were engaged in the production of milk for sale in the said marketing area.

Order Relative to Handling

It is therefore ordered, That on and after the first day of April 1948, the handling of milk in the New York Metropolitan milk marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as heretofore amended, and as hereby further amended; and the aforesaid order, as so amended, is hereby further amended as follows:

1. Amend § 927.5 (a) (8) by changing the proviso therein to read: *"Provided,* That in no event shall the Class II–D price be lower than an amount computed by the market administrator as follows: From the average of the highest prices reported daily during such month by the United States Department of Agriculture for U. S. Grade A or U. S. 92-score butter at wholesale in the New York market, deduct four cents, add 20 percent, and multiply by 3.5."

2. Amend § 927.5 (a) (9) by changing the proviso therein to read: *"Provided,* That in no event shall the Class II–E price be lower than an amount computed by the market administrator as follows: From an average of the highest prices reported daily during such month by the United States Department of Agriculture for the U. S. Grade A or U. S. 92-score butter at wholesale in the New York market, deduct four cents, add 20 percent, and multiply by 3.5."

3. Amend § 927.5 (a) (11) by changing that portion thereof preceding the last proviso therein to read:

(11) For Class III milk the price during each month shall be the average, computed by the market administrator, of prices as reported to the United States Department of Agriculture, paid during such month to farmers for 3.5 percent milk at evaporated milk plants at locations listed in this subparagraph: *Provided,* That the Class III price during the months of January, February, August, September and October shall be such average plus eight cents, and during the months of November and December shall be such average plus 15 cents.

4. Amend § 927.5 (a) (12) by changing the proviso therein to read: *"Provided,* That in no event shall the Class IV–A price during the months of October, November and December be less than the Class II–E price."

5. Amend § 927.5 (a) (13) by changing the last proviso therein to read *"Provided further,* That in no event shall the Class IV–B price during the months of October, November and December be less than the Class III price."

6. Amend § 927.5 (c) (2) by changing the proviso therein to read: *"Provided,* That in no case shall the amount subtracted reduce the Class II–D price at any plant below an amount computed by the market administrator as follows: From the average of the highest prices reported daily during such months by the United States Department of Agriculture for U. S. Grade A or U. S. 92-score butter at wholesale in the New York market, deduct four cents, add 20 percent, and multiply by 3.5."

7. Amend § 927.5 (c) (3) to read:

(3) The market administrator shall, from time to time, determine and publicly announce for each pool plant a zone based on its shortest highway mileage distance from the State House in Boston, Massachusetts, as computed from the latest mileage guide issued by the Household Goods Carriers' Bureau, Agent, Washington, D. C. The minimum prices for Class II–E, Class II–F, and during the months of October, November and December, Class IV–A milk shall be subject to the minus differential set forth in the following table applicable to the location of the plant at which milk was received from producers:

Miles:	Cents	Miles:	Cents
0–250	−5.2	351–400	−8.2
251–300	−6.2	401–450	−9.2
301–350	−7.2		

Provided, That in no case shall the amount subtracted reduce the Class II–E, the Class II–F, or, during the months of October, November, and December, the Class IV–A price at any plant below an amount computed by the market administrator as follows: From the average of the highest prices reported daily during such months by the United States Department of Agriculture for U. S. Grade A or U. S. 92-score butter at wholesale in the New York market, deduct four cents, add 20 percent, and multiply by 3.5.

8. Amend § 927.9 (h) (1) and (2) (ii) and (iv) to read:

(1) Payment shall be made by handlers to producers, through the producer-settlement fund, for milk, cultured or flavored milk drinks, cream, plain condensed milk, frozen desserts or homogenized mixtures used commercially in frozen desserts, or skim milk, which milk and milk product meets each of the following provisions: (i) It was derived from milk received at some plant from dairy farmers (other than the handler operating such plant) who are not producers; (ii) it was received at a plant in, or delivered to a purchaser in the marketing area, or was received at a pool plant outside the marketing area and assigned either to shipments to the marketing area of milk, cultured or flavored milk drinks, cream, plain condensed milk, frozen desserts or homogenized mixtures used commercially in frozen desserts, or skim milk, or to plant loss; and (iii) the milk or milk equivalent of the butterfat is classified as Class I–A, Class II–A, or Class II–B, or the skim milk is classified as Class V–A.

(ii) If the milk or milk product is derived from milk the handling of which is not regulated by another order issued pursuant to the act, the amount of payment shall be as follows: for milk, or for cultured or flavored milk drinks containing 3.0 percent butterfat or more, the difference between the value of such milk or cultured or flavored milk drinks at the Class I–A price in the 201–210 mile zone and the value computed at the Class IV–A and Class V–B prices; except as provided in (iv) of this subparagraph, for cream, plain condensed milk, frozen desserts or homogenized mixtures used commercially in frozen desserts, or for cultured or flavored milk drinks containing less than 3.0 percent butterfat, the difference between the value of the milk equivalent of such cream, plain condensed milk, frozen desserts or homogenized mixtures used commercially in frozen desserts, or milk drinks at the appropriate class (II–A or II–B) price in the 201–210 mile zone and at the Class IV–A price (milk equivalent in each case to be computed on the basis of milk containing 3.5 percent butterfat); and for skim milk (either as skim milk or in cultured or flavored milk drinks), the difference between the value computed at the Class V–A price in the 201–210 mile zone and the Class V–B price.

(iv) If the market administrator finds that there is an inadequate supply of cream, plain condensed milk or frozen desserts or homogenized mixtures used

commercially in frozen desserts in the marketing area and that such products are available from nonpool sources, he may declare an emergency for a period ending not more than three months from the date of such declaration, in which case the payment during the period of such declared emergency shall be the difference between the value of the milk equivalent of such cream, plain condensed milk or frozen desserts or homogenized mixtures used commercially in frozen desserts at the appropriate class (II–A or II–B) price in the 201–210 mile zone and at the Class II–E price in the 0–250 mile zone from Boston.

Issued at Washington, D. C., this 15th day of March 1948, to be effective on and after April 1, 1948.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.; sec. 102 Reorg. Plan 1 of 1947; 12 F. R. 4534)

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 48–2335; Filed, Mar. 17, 1948; 8:58 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

Acting pursuant to the authority vested in me by the Federal Airport Act (60 Stat. 170; Pub. Law No. 377, 79th Cong.), I hereby repeal Part 550 of the regulations of the Administrator of Civil Aeronautics as published in the FEDERAL REGISTER of January 9, 1947 (12 F. R. 135), as amended, together with all appendices thereto, and adopt in lieu thereof a new Part 550 of the regulations of the Administrator of Civil Aeronautics as published herewith including the appendices referred to therein.[1] This action shall become effective May 1, 1948.

Notwithstanding the foregoing provisions and the terms of the said new Part 550, it is also hereby ordered, effective upon publication of this order in the FEDERAL REGISTER:

(1) That any sponsor of a project in the Federal-aid Airport Program may use any of the forms prescribed in said new Part 550, as soon as they are published in the FEDERAL REGISTER,[1] in lieu of the comparable forms now in effect;

(2) That any project sponsor which, as of the date of publication of this order, has not accepted a Grant Offer on existing Form ACA 1632 (1–47), may substitute for the covenants pertaining to operation and maintenance of a sponsor's airport contained in the existing form of Sponsor's Assurance Agreement, Form ACA 1642 (10–46), the covenants on this subject contained in Part III of the Project Application form, Form ACA 1624 (3–12–48), which is published herewith as Appendix C (which may be accomplished either by adopting a Sponsor's Assurance Agreement containing the substitute covenants or amending an existing Sponsor's Assurance Agreement to substitute such covenants, such revised or amended Sponsor's Assurance Agreement to be incorporated in any Grant Offer that may be made to the sponsor, or by requesting that any such Grant Offer provide for and effect such substitution); and

(3) That any project sponsor which, as of the date of publication of this order, has accepted a Grant Offer incorporating a Sponsor's Assurance Agreement on existing Form ACA 1642 (10–46), may make application to the Administrator of Civil Aeronautics for amendment of the Grant Agreement so formed, substituting for the covenants of such Sponsor's Assurance Agreement pertaining to operation and maintenance of the sponsor's airport the covenants on this subject contained in Part III of the Project Application form, Form ACA 1624 (3–12–48), which is published herewith as Appendix C, which amendment will be executed by the Administrator of Civil Aeronautics if he determines such action to be to the advantage of the United States.

This order shall become effective in part on May 1, 1948, and in part upon publication in the FEDERAL REGISTER, as provided herein.

NOTE: The reporting and record-keeping requirements contained in this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942: *Provided*, That any reporting or record-keeping requirements which may be imposed subsequently pursuant to provisions of this order are subject to approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

F. B. LEE,
Acting Administrator of Civil Aeronautics.

Sec.
550.1 Definitions.
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AUTHORITY: §§ 550.1 to 550.10, inclusive, issued under 60 Stat. 170.

§ 550.1 *Definitions.* All terms in the regulations of this part which are defined in the Federal Airport Act and are not defined in this section shall have the meaning given to them in the act. As used in this part, unless the context otherwise requires, the following terms shall have the meaning indicated:

(a) "Act" means the Federal Airport Act of 1946 (Public Law No. 377, 79th Congress, 2d Session; 60 Stat. 170) (Appendix A).

(b) "Administrator" means the Administrator of Civil Aeronautics or his duly authorized representative.

(c) "CAA" means the Civil Aeronautics Administration of the United States Department of Commerce.

(d) "Class 4 or larger airport" means an airport which, in the opinion of the Administrator, upon completion of the project proposed would meet generally the standards of Table 3 of the Civil Aeronautics Administration Bulletin, "Airport Design", dated April 1, 1944, for a Class 4 or larger airport. (Appendix B).

(e) "District Airport Engineer" means the director of a district office of the Airports Branch of a CAA regional office or his duly authorized representative.

(f) "Joint project" means any project sponsored by two or more sponsors.

(g) "National Airport Plan" means a plan for the development of public airports in the United States, the Territory of Alaska, the Territory of Hawaii, and Puerto Rico, prepared and revised annually by the Administrator.

(h) "Program" means a program prepared by the Administrator listing proposed projects to be undertaken within the limits of currently available funds.

(i) "Project" means a project for the accomplishment of airport development with respect to a particular airport as set forth in a Grant Agreement or Project Application submitted in accordance with the regulations in this part.

(j) "Regional Administrator" means the director of a CAA regional office or his duly authorized representative.

(k) "Superintendent of Airports" means the director of the Airports Branch of a CAA regional office or his duly authorized representative.

§ 550.2 *Eligible sponsors.* To be eligible to submit a Project Application under the regulations of this part, a sponsor must meet the following requirements:

(a) A sponsor must be a "public agency" as said term is defined and used in the act and may not be the United States or any agency thereof unless the project is located in the Territory of Alaska, in the Territory of Hawaii, in Puerto Rico, or in a national park, national recreation area, national monument, or national forest;

(b) A sponsor (or the sponsors of a joint project, between them) must be legally, financially, and otherwise able and in a position: (1) to make all certifications, representations, and warranties contained in the Project Application Form, Form ACA 1624 (Appendix C); (2) to make, keep and perform all assurances, agreements, and covenants contained in Parts III and IV of said Form; and (3) to meet all other applicable requirements of the act and of the regulations of this part.

(c) A sponsor (or the sponsors of a joint project, between them) must have or be in a position to obtain sufficient funds to meet the requirements of § 550.5 (c) (1) and must have or be in a position to acquire property interests meeting the requirements of § 550.5 (c) (2).

§ 550.3 *Eligible airport development*—(a) *Minimum requirements.* Each proposed project shall include sufficient airport development to provide a safe, usable, and useful airport facility or add materially to the safety or utility of an existing airport: *Provided*, That the

[1] Only one of the forms incorporated in these regulations by reference, Form ACA 1624 (Appendix C), is published herewith; the others will be published in the FEDERAL REGISTER prior to the effective date of the new Part 550. Copies of these forms may be obtained from the appropriate District Airport Engineer, Civil Aeronautics Administration.

Administrator may approve a project which does not meet this requirement when special conditions so warrant and in so doing may prescribe such special conditions as he determines to be necessary to protect the interests of the United States. To be eligible for inclusion in a project, an item of airport development must meet the following minimum requirements:

(1) The proposed airport development shall be within the scope of the latest revision of the National Airport Plan.

(2) The proposed airport development shall be in accordance with standards established or approved by the Administrator for the various types of development involved.

(3) If the proposed airport development involves further development of an existing Class 4 or larger airport, or the development of an airport which upon completion of the project will be a Class 4 or larger airport, current Congressional authorization for such development must have been granted pursuant to section 8 of the act.

(4) Unless specifically authorized by the Administrator, the proposed airport development shall not include any work which the sponsor of the project or any other non-Federal public agency is obligated to accomplish by reason of any previous agreement with or commitment to the United States.

(b) *Eligible types of airport development.* The Administrator will approve only airport development which falls within one or more of the classifications set forth in the following subparagraphs.

(1) *Construction work.* The following types of construction work shall be eligible for inclusion in a project:

(i) Preparation of an airport site or any portion thereof, including clearing, grubbing, filling and grading.

(ii) Dredging of seaplane anchorages and channels.

(iii) Drainage work either on or off an airport or airport site.

(iv) Construction, alteration and repair of administration, terminal and service buildings; airport control tower structures; shops for repair and maintenance of airport equipment, plant, and structures; seaplane ramps and docks; and any other buildings and structures necessary for the proper use, operation, management and maintenance of an airport as a public facility other than hangers and living quarters.

(v) Construction, alteration and repair of runways, taxiways, aprons, and automobile parking areas within the limits of an airport or airport site.

(vi) Construction, alteration and repair of access roads and walks either on or off an airport or airport site.

(vii) Fencing, landscaping, seeding and sodding of an airport or airport site.

(viii) Installation, alteration and repair of airport markers and airport lighting facilities and equipment.

(ix) Construction, installation and connection of utilities either on or off an airport or airport site.

(x) Removal, lowering, relocating, marking and lighting of airport hazards.

(xi) Such other work as may be specifically approved by the Administrator.

(2) *Land acquisition.* The acquisition of land or of any interest therein, or of any easement through or other interest in air space, shall be eligible for inclusion in a project when such acquisition is necessary:

(i) To permit the accomplishment of other airport development, whether or not such development is to be accomplished as part of the Federal-aid Airport Program; or

(ii) To prevent or limit the establishment of airport hazards; or

(iii) To permit the removal, lowering, relocation, or marking and lighting of existing airport hazards; or

(iv) To permit proper use, operation, management, and maintenance of the airport as a public facility.

The term "acquisition of land" as used in this subparagraph shall include acquisition of lands already developed as a privately owned airport and of all structures, fixtures, and improvements thereon constituting a part of the realty.

§ 550.4 *Project costs*—(a) *Eligibility.* All project costs, as defined in section 2 (a) (6) of the act, shall be eligible for consideration as to their allowability except the following:

(1) Any cost of obtaining title to or the use of any lands or any interests in air space under section 16 of the act.

(2) That portion of the cost of rehabilitation or repair for which funds have been appropriated by the Congress under section 17 of the act.

(3) That portion of the cost of acquiring a privately owned existing airport which represents the cost of acquiring buildings which are subsequently to be used as hangars or living quarters at such airport.

(4) The costs of materials and supplies owned by the sponsor or furnished from a source of supply owned by the sponsor where (i) such materials and supplies were purchased for or appropriated to the project prior to the execution of the Grant Agreement, or (ii) such costs are not supported by proper evidence of quantity and value.

(5) The purchase price of machinery, tools, or equipment purchased by a sponsor for use in accomplishing work under a project by sponsor's force account.[1]

(6) The costs of general area, urban, or state-wide planning of airports, as distinguished from the planning of a specific project.

(b) *Allowability.* In order to be an allowable project cost, for the purpose of computing the amount of a grant, each item of project costs paid or incurred must, in the opinion of the Administrator, meet the following conditions:

(1) It must have been a necessary cost incurred in accomplishing airport development in conformity with the approved plans and specifications for an approved project and with the terms and conditions of the Grant Agreement entered into in connection with such project.

[1] This is not to be construed as excluding the fair rental value of machinery, tools, or equipment owned by a Sponsor as project costs eligible for consideration as to their allowability.

(2) It must be reasonable in amount (if not reasonable in amount, it shall be subject to partial disallowance in accordance with section 13 (3) of the act).

(3) It must have been incurred subsequent to the date of execution of the Grant Agreement, except that costs of land acquisition, field surveys, planning, and the preparation of plans and specifications, and administrative and incidental costs, shall be allowable though incurred prior to the execution of such Grant Agreement; *Provided,* That no item of project cost shall be allowable if incurred prior to May 13, 1946.

(c) *United States' share of project costs.* The United States' share of the allowable project costs of a project shall be determined as provided in the following subparagraphs.

(1) *Project costs other than land acquisition costs*—(i) *Class 3 or smaller airports.* The United States' share of the project costs (other than costs of land acquisition) of an approved project for the development of a Class 3 or smaller airport, wherever located, shall be 50 percent of the allowable project costs of the project (other than costs of land acquisition), except that this share, in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceeding 5 percent of the total area of all lands therein shall be increased as provided in section 10 (b) of the act, and except that the United States' share shall be 75 percent in the case of the Territory of Alaska, all as set forth in the following table:

United States' Percentage Share of Allowable Project Costs in States Containing Unappropriated and Unreserved Public Lands and Nontaxable Indian Lands

State	Percentage	State	Percentage
Arizona	60.55	Oklahoma	51.39
California	54.07	Oregon	56.00
Colorado	53.34	South Dakota	53.09
Idaho	56.30	Utah	61.82
Montana	53.52	Washington	51.80
Nevada	62.50	Wyoming	57.47
New Mexico	56.89		

NOTE: The percentages listed in this table will vary as changes occur with respect to the area of unappropriated and unreserved public lands and nontaxable Indian lands in the several States, in which event such changed percentages will be used by the Administrator in determining the United States' share of allowable project costs other than costs of land acquisition.

(ii) *Class 4 or larger airports.* The United States' share of the project costs (other than costs of land acquisition) of an approved project for the development of a Class 4 or larger airport, wherever located, shall be computed as follows:

(*a*) For that portion of the total allowable project costs of such a project (other than costs of land acquisition) which when added to all such costs of other projects for development of the same airport, is $5,000,000 or less, the percentage used in determining the United States' share of such costs shall be the percentage which would apply if the project were one for the development of a Class 3 or smaller airport, as prescribed in subdivision (i) of this subparagraph;

(b) For each additional $1,000,000 or portion thereof over and above such $5,000,000 figure and up to and including $11,000,000, the percentage used in determining the United States' share of such portion of the allowable project costs of such a project (other than costs of land acquisition) shall be 5 per cent less than the percentage applicable to the next lower $1,000,000;

(c) For that portion of the allowable project costs of such a project (other than costs of land acquisition) above such $11,000,000 figure, the percentage used in determining the United States' share of such portion shall be the same as the percentage applicable to allowable project costs between $10,000,000 and $11,000,000.

The application of this formula in the Territories, Puerto Rico, and States other than public lands States, is shown in the following table:

Increments of aggregate allowable project costs (other than land acquisition costs	United States' share in Territory of Hawaii, Puerto Rico, and States other than Public Lands States			United States' share in Alaska
	Percentage	Federal share	Cumulative Federal share	
First $5,000,000	50	$2,500,000	$2,500,000	75
Next $1,000,000	45	450,000	2,950,000	70
Next $1,000,000	40	400,000	3,350,000	65
Next $1,000,000	35	350,000	3,700,000	60
Next $1,000,000	30	300,000	4,000,000	55
Next $1,000,000	25	250,000	4,250,000	50
Next $1,000,000	20	200,000	4,450,000	45
Portion exceeding $11,000,000	20			45

(2) *Land acquisition costs.* The United States' share of the project costs of an approved project which represent costs of land acquisition shall be 25 per cent of the allowable costs of such acquisition regardless of the size or location of the airport to be developed.

§ 550.5 *Procedure*—(a) *Request for Federal aid.* An eligible sponsor desiring to obtain Federal aid for the accomplishment of eligible airport development shall submit to the District Airport Engineer of the District in which the sponsor is located a Request for Federal Aid on Form ACA 1623 (Appendix D). All such Requests for Federal Aid will serve as the basis and justification for inclusion of proposed projects in the Program and will be considered as preliminary notices of intent on the part of sponsors to participate in the Federal-aid Airport Program.

(b) *Tentative allocation of funds.* If a proposed project is selected by the Administrator for inclusion in the Program, the Administrator will make a tentative allocation of funds for such project and will transmit a notice of such allocation to the sponsor through the District Airport Engineer. Such tentative allocation will be subject to withdrawal upon failure of the sponsor to submit an acceptable Project Application pursuant to paragraph (c) of this section or to proceed with the project with due diligence.

(c) *Project application.* As soon as practicable after receipt of notice of tentative allocation for a proposed project, a sponsor shall prepare a Project Application on Form ACA 1624 (Appendix C) and submit such Application to the District Airport Engineer. A Project Application shall be executed by the sponsor without change in the language of the form unless prior approval for deviation therefrom has been obtained from the Administrator: *Provided,* That in the case of a joint project, each sponsor may execute only those provisions of the Project Application which are applicable to the particular sponsor.

(1) *Funds.* Each Project Application submitted by a sponsor which is to furnish all or any portion of the project funds not to be furnished by the United States, shall state that such sponsor has on hand, or show that it is in a position to obtain as and when needed, funds sufficient to pay all estimated costs of the proposed project which are not to be borne by the United States or by another sponsor: *Provided,* That if any of such funds are to be furnished to a sponsor, or used to pay project costs on behalf of a sponsor, by a State agency or any other public agency which is not itself to be a sponsor of the proposed project, evidence satisfactory to the Administrator that such funds will be so provided if the proposed project is approved may be submitted by the public agency which is to provide the funds rather than by the sponsor.

(2) *Lands.* Each Project Application submitted by a sponsor shall state all of the property interests which the sponsor then holds in (i) all lands [1] upon which any construction work is to be performed under the proposed project, and (ii) all lands [1] to be developed or used as part of or in connection with the airport as it will be upon completion of the proposed project. In addition, each Project Application shall contain a covenant on the part of the sponsor to acquire prior to the start of any construction work under the project, or if the lands in question are not needed for such construction, within a reasonable time, property interests satisfactory to the Administrator in all of the lands [1] in subdivisions (i) and (ii) above, in which it does not hold such property interests at the time its Project Application is submitted: *Provided,* That in the case of a joint project, the necessary property interests may be held or acquired by any one or combination of the sponsors, in which event, the Project Application of each individual sponsor may show only those property interests which that particular sponsor holds or is to acquire.

(3) *Property interests.* In general, the property interest which a sponsor or sponsors must have or agree to acquire in all lands to be used for landing area or building area purposes in order to meet the requirements of subparagraph (2) of this paragraph is either: (i) title free and clear of any reversionary interest, lien, easement, lease or other encumbrance which, in the opinion of the Administrator, would be of such a nature as to create an undue risk that its existence might deprive the sponsor or sponsors of possession or control of such lands, interfere with their use for public airport purposes, or make it impossible for the sponsor (or any sponsor of a joint project) to carry out and perform any of the assurances, agreements, and covenants contained in Parts III and IV of the Project Application Form (Appendix C); or (ii) a long-term leasehold estate granted to the sponsor or sponsors by another public agency having such title, on terms and conditions satisfactory to the Administrator. With respect to "off-site" areas, the minimum property interest which a sponsor or sponsors must have or agree to acquire in the lands comprising such areas, in order to meet the requirements of subparagraph (2) of this paragraph, is an easement or leasehold estate which, in the opinion of the Administrator, is sufficient to provide reasonable assurance that the sponsor or sponsors will not be deprived of its or their right to occupy and use such lands for the purpose intended during whatever period of time such use may be necessary in order to meet the requirements of the regulations of this part.

(4) *Survey map.* Each Project Application containing any reference to lands held or to be acquired by a sponsor shall be accompanied by a survey map prepared by an engineer or a surveyor. Each such survey map shall clearly identify and show: (i) all lands which are to be developed or used as part of or in connection with the airport as it will be upon completion of the proposed project; (ii) all of such lands in which property interests have been acquired by the sponsor or sponsors; (iii) all of such lands in which property interests are to be acquired by the sponsor or sponsors prior to commencement of construction under the proposed project; and (iv) all prior and proposed acquisitions of property interests in any of such lands for which Federal aid is requested under the proposed project.

(5) *Title evidence.* All representations made in a Project Application as to property interests held by the sponsor shall be supported by evidence of title satisfactory to the Administrator. Such evidence may be in the form of a title certificate, title insurance policy, or opinion of a qualified attorney as the sponsor may elect, but shall include, as a minimum, an opinion, guaranty, or certification as to the state of the title by a qualified attorney or title company, indicating the records or documents examined in determining the status of the title and the period covered by the examination or search (which should be brought up approximately to the date of submission of the Project Application).

(6) *Plans and specifications.* Each Project Application shall incorporate by reference plans and specifications describing all items of airport development for which Federal aid is requested under the proposed project, which plans and specifications shall be submitted with the Project Application unless previously submitted or submitted with the Project

[1] As used herein, the term "lands" includes among other areas, landing areas, building areas, and areas required for "off-site" construction, access roads, drainage, protection of approaches, installation of air navigation facilities, or other airport purposes.

Application of another sponsor of the proposed project. Such plans and specifications shall be prepared so as to provide for accomplishment of the proposed project in accordance with the provisions of the regulations of this part and with all applicable local laws and ordinances and regulations and shall be in final form: *Provided*, That in special cases, the Administrator may authorize postponement of the submission of final plans and specifications until a later date to be specified in the Grant Agreement, if the sponsor has submitted preliminary plans and specifications prepared in sufficient detail to identify all items of airport development included in the project.

(d) *Offer.* Upon approval of a project the Administrator will make an offer on Form ACA 1632 (Appendix E) to the sponsor or sponsors to pay the United States' share of the allowable project costs of the project. Such offer will be transmitted to the sponsor or sponsors through the District Airport Engineer and will state a definite amount as the maximum obligation of the United States. Such offer shall be subject to revision, amendment, modification or withdrawal by the Administrator at his discretion at any time prior to acceptance thereof by the sponsor or sponsors.

(e) *Amendment of offer.* If, in the opinion of the sponsor or sponsors, the amount of the maximum obligation of the United States stated in an offer is insufficient to cover the United States' share of the allowable project costs, the sponsor or sponsors may request a revised offer, transmitting such request to the Administrator through the District Airport Engineer.

(f) *Acceptance of offer.* An offer shall be accepted by the sponsor or sponsors within sixty (60) days from the date thereof unless otherwise authorized by the Administrator. Such acceptance shall be made by execution of the offer in the manner prescribed therein, by an official of the sponsor who has been duly authorized to take such action by resolution or ordinance of the governing body of the sponsor. Said resolution or ordinance shall be adopted by the sponsor's governing body at a meeting held pursuant to all applicable local laws and ordinances and shall set forth at length the terms of the offer and shall specifically ratify and adopt all statements, representations, warranties, covenants and agreements contained in the Project Application. A certified copy of such resolution or ordinance shall be attached to each executed copy of an accepted offer or Grant Agreement delivered to the Administrator.

(g) *Grant Agreement.* An offer of the Administrator to pay a portion of the allowable project costs and an acceptance thereof by the sponsor or sponsors in accordance with paragraph (f) of this section shall constitute a Grant Agreement between the sponsor or sponsors and the United States. Unless and until such a Grant Agreement has been executed with respect to a project in accordance with the requirements of the regulations of this part, the United States shall not pay or be obligated to pay any portion of the project costs which have been or may be incurred in carrying out the project.

(h) *Amendment of Grant Agreement.* When mutually agreed upon between the Administrator and the sponsor or sponsors of a project, a Grant Agreement may be amended after execution thereof, if:

(1) The amendment will not increase the maximum obligation of the United States under such Grant Agreement,

(2) The amendment provides only for airport development described in the current revision of the National Airport Plan, and

(3) The Administrator determines that such amendment is necessary to protect or advance the interests of the United States in civil aviation.

Upon agreement for amendment, the Administrator will issue to the sponsor or sponsors a supplementary agreement incorporating the amendments as approved. Such agreement shall be executed by the sponsor or sponsors in accordance with the regulations governing acceptance of an offer (paragraph (f) of this section).

§ 550.6 *Agency and co-sponsorship*—(a) *General.* In the case of any project in which two or more public agencies desire to participate to any extent, either in accomplishing airport development under the project or in the maintenance and operation of the airport, the participating public agencies shall comply with the provisions of this section with respect to either co-sponsorship or agency: *Provided*, That a public agency which desires to participate in a project only by contributing funds to a sponsor need not become a sponsor of the project nor an agent of the sponsor as provided in this section, and any funds so contributed will be considered as funds of the sponsor for purposes of the act and the regulations of this part.

(b) *Co-sponsorship.* Any two or more public agencies desiring to participate in a project may serve as sponsors of such a project if they meet all applicable requirements of the regulations of this part including the following:

(1) Each sponsor shall meet the eligibility requirements of § 550.2.

(2) The sponsors shall submit a single Project Application, executed by all of the sponsors, clearly indicating the certifications, representations, warranties and obligations made or assumed by each individual sponsor: *Provided*, That if the sponsors so desire, each sponsor may submit a separate Project Application which does not meet all the requirements of the regulations in this part if, in the opinion of the Administrator, the Project Applications submitted by all sponsors collectively meet the requirements of the regulations of this part as applied to a project sponsored by a single sponsor.

(3) Each Project Application submitted by sponsors which are not willing to assume, jointly and severally, all of the obligations to the United States required to be assumed by a sponsor, shall be accompanied by a true copy of an agreement between the sponsors, satisfactory to the Administrator, which will be incorporated in and become a part of the executed Grant Agreement. Each such sponsors' agreement shall set forth:

(i) The responsibilities of each sponsor to the others with respect to the accomplishment of the development proposed and the subsequent operation and maintenance of the airport;

(ii) The obligations which each proposes to assume to the United States; and

(iii) The sponsor or sponsors which will accept, receipt for, and disburse grant payments.

If an offer is made to the sponsors of a joint project as provided in § 550.5 (d), such offer will contain a specific condition stating that the offer is made in accordance with the terms of the agreement between the sponsors, which agreement will be incorporated therein by reference, and that, by acceptance of the offer, each of the sponsors assumes only its respective obligations as agreed upon in said agreement between the sponsors.

(c) *Agency.* If a public agency so desires and such action is required or permitted under state and local laws, it may, with or without participating financially, serve as agent of the public agency which is to own and operate the airport and need not itself become a sponsor of the project. In all such cases, an agency agreement clearly outlining the terms and conditions of the agency and the authority vested in the agent to act for and on behalf of the sponsor shall have been entered into, which agreement must be satisfactory to the Administrator. Such agency agreement shall have been executed on behalf of the sponsor pursuant to authority granted by its governing body at a meeting held in accordance with all applicable state and local laws. A true copy of the agency agreement, together with a certified copy of the resolution or ordinance authorizing such agency, shall be submitted with the sponsor's Project Application. If an offer is made to a sponsor as provided in § 550.5 (d) where an agency relationship exists between such sponsor and some other public agency, such offer may be accepted by the agent in the name and on behalf of the sponsor only if such acceptance has been specifically and lawfully authorized by the governing body of the sponsor and such authority is specifically set forth in the agency agreement.

§ 550.7 *Performance of construction work*—(a) *General.* All construction work under any project shall be accomplished by contract unless the District Airport Engineer determines that the project, or any portion thereof, can be more effectively and economically accomplished through use of sponsor's force account. Such use of force account will in no instance be approved for any one project in the continental United States in any one year if the estimated United States' share of construction costs and related engineering costs of such project (not including costs incurred in the preparation of plans and specifications) exceeds $15,000.

(b) *Letting of contracts.* A sponsor shall comply with the following requirements in awarding construction contracts with respect to the performance of any work under a project:

(1) Unless some other method is approved by the Administrator for use on a particular project, all such contracts shall be awarded on the basis of public advertisement and open competitive bidding in the same manner as provided by local law for the letting of public contracts.

(2) No advertisement for bids on such a contract shall be issued until the Administrator has approved the plans and specifications and has furnished the sponsor a schedule of the minimum wage rates which the contractor shall pay skilled and unskilled labor, as determined by the Secretary of Labor. Such minimum wage rates shall be stated in the invitation for bids or incorporated therein by reference to a schedule of minimum wage rates contained in the advertised specifications. Prior thereto, at a time specified by the District Airport Engineer, the sponsor shall submit to the District Airport Engineer a list of the various classes of labor to be employed in the proposed work, together with a suggested schedule of the minimum wage rates for each such class.

(3) All bids shall remain sealed until publicly opened and read aloud at the time and place specified in the invitation for bids.

(4) No such contract shall be awarded except with the written concurrence of the District Airport Engineer as to the reasonableness of the contract prices and conformity of the contract to the sponsor's Grant Agreement with the United States. The sponsor shall submit to the District Airport Engineer after the opening of bids an abstract thereof and its recommendations for award on Form ACA 1631 (Appendix F). If the contract is to be awarded on a lump sum basis and will involve more than one payment to the contractor, the sponsor shall also submit a Detailed Estimate of Cost for the proposed contract on Form ACA 1628 (Appendix G). Ordinarily, such approval will not be given for acceptance of other than the lowest bid received. However, if the sponsor considers the lowest bidder unqualified, incapable, or not responsible, the next lowest bidder may be recommended for approval, giving full justification for the proposed action.

(c) *Bonds.* A sponsor shall require the contractor to furnish and maintain in full force and effect during construction a performance bond as security for the faithful performance of his contract and a payment bond as security for the payment of all persons performing work and furnishing materials in connection therewith. The surety on all bonds shall be either a corporation authorized by the sponsor to act as surety or two responsible individual sureties. Such bonds shall be on Forms ACA 1638A (Appendix H) and 1638B (Appendix I) respectively or shall contain the substance thereof, or a single bond may be furnished combining the substance of both. Each of such guarantees shall be in an amount not less than 50% of the contract price for the first million dollars or portion thereof and decreased thereafter by 5% for each additional million dollars or portion thereof.

(d) *Contract requirements.* All construction contracts let by a sponsor with respect to any project shall contain, in addition to such other provisions as may be necessary to ensure accomplishment of the work involved in accordance with the sponsor's Grant Agreement, provisions requiring:

(1) That the contractor obtain the prior written consent of the sponsor to any proposed assignment of any interest in or part of the contract.

(2) That no convict labor be employed under the contract, and that in the employment of labor (except executive, administrative, or supervisory) preference be given, where they are qualified, to individuals who served in the military services of the United States as defined in section 101 (1) of the Soldiers and Sailors Civil Relief Act of 1940 and who have been honorably discharged from such service: *Provided,* That such preference shall apply only where such labor is available locally and qualified to perform work to which the employment relates.

(3) That the contractor pay all skilled and unskilled labor employed under the contract not less than minimum wage rates predetermined by the Secretary of Labor for such labor.

(4) That the contractor comply with the so-called "Kick-back Statute", Public Law 324, 73d Congress, approved June 13, 1934 (48 Stat. 948) and all regulations issued pursuant thereto (see Appendix J).

(5) That the contractor permit the Administrator or his duly authorized representatives to inspect and review all work, materials, payrolls, records of personnel, conditions of employment, invoices of materials, books of account, and other relevant data and records with respect to the contract.

(e) *Notices to proceed.* No sponsor shall permit any contractor or subcontractor to begin work under an approved project until the sponsor has issued to the contractor a written notice to proceed with such work. No such notice to proceed shall be issued until the sponsor has furnished the District Airport Engineer three conformed copies of the construction contract and has satisfied the Regional Administrator that the required property interests in all lands on which construction work will be performed under the project have been acquired by such sponsor or some other sponsor of the project.

(f) *Change orders.* No sponsor shall issue any change order under any of its construction contracts unless such change order has been approved in writing by the District Airport Engineer. Such change orders shall be on a form satisfactory to the District Airport Engineer and three copies thereof shall be submitted to the District Airport Engineer at the time approval is requested.

(g) *Payments to the contractor.* A sponsor may make partial payments to a contractor on the basis of an estimate of work performed and materials delivered to the site as often as may be agreed upon by the sponsor and the contractor. All payments made by a sponsor to a contractor shall be made on the basis of Periodic Cost Estimates on Form ACA 1629 (Appendix K). Three copies of each such Periodic Cost Estimate shall be submitted by the sponsor to the District Airport Engineer.

(h) *Force account work.* Before undertaking any construction work by sponsor's force account, a sponsor shall obtain the written approval of the District Airport Engineer. In requesting such approval a sponsor shall submit to the District Airport Engineer the following:

(1) Adequate plans and specifications showing the nature and extent of the construction work to be accomplished by sponsor's force account;

(2) A schedule of the proposed construction and of the construction equipment available to the sponsor;

(3) Assurance that adequate supervisory, engineering, and inspection personnel will be provided;

(4) A Detailed Estimate of Cost for such force account work on Form ACA 1628 (Appendix G) broken down for each class of costs involved, such as labor, materials, rental of equipment, and other pertinent items of cost.

Whenever an application for grant payment involving sponsor's force account work is made by a sponsor pursuant to § 550.9, such application shall be accompanied by three copies of a Periodic Cost Estimate for such work on Form ACA 1629 (Appendix K).

(i) *Owner removal contracts.* Contracts with the owners of buildings, pipe lines, power lines, or other structures or facilities for the removal or relocation thereof, are exempt from the requirements of this section (§ 550.7) except that a sponsor shall obtain the approval of the District Airport Engineer before entering into any such contract.

§ 550.8 *Accounting and audit*—(a) *Accounting procedure.* Each sponsor shall establish and maintain an accounting system adequate to permit determination by the Administrator of the allowable costs of the project. Project costs shall be so segregated and grouped that the sponsor will be able to furnish, whenever required, cost data in the following cost classifications:

(1) Purchase price of land.

(2) Incidental costs of land acquisition.

(3) Costs of contract construction.

(4) Costs of force account construction.

(5) Engineering costs of plans and designs.

(6) Engineering costs of supervision and inspection.

(7) Other administrative costs.

(b) *Project accounts and records*—(1) *Project accounts.* All funds to be expended in payment of project costs (including funds of the sponsor and funds received from the United States or from other sources) shall be deposited in a bank, trust company, or public treasury satisfactory to the Regional Administrator, and maintained therein in an account separate and distinct from all other funds, designated "Federal Airport Project (name of airport)": *Provided,* That no separate project account need be maintained for a project consisting of

land acquisition only. No funds so deposited shall be withdrawn except in payment of project costs of the project or as reimbursement for funds advanced for such purpose by the sponsor or some other public agency.

(2) *Cost evidence.* A sponsor shall secure and retain in its files documentary evidence such as invoices, cost estimates, and pay rolls supporting each item of project costs.

(3) *Payment evidence.* A sponsor shall retain in its files evidence of all payments for items of project costs including vouchers, cancelled checks or warrants, and receipts for cash payments.

(c) *Audits.* A sponsor shall permit authorized representatives of the Administrator to audit the project records and accounts to determine the allowability of project costs and the amount of Federal participation in the cost of the project. Progress audits may be made at any time during the life of a project, and will be made at either the seventy or eighty-five percent stage of completion if the estimated United States' share of project costs is in excess of $250,000.00. A final audit will be made at the completion of a project and, if the sponsor so requests, an audit of all work completed will be made when further work on a project is suspended for an appreciable length of time.

§ 550.9 *Grant payments*—(a) *General.* Within ten days after acceptance of an offer as provided in § 550.5 (f), a sponsor shall designate an official or officials or depository, authorized by law to receive public funds, to receive payments representing the United States' share of the project costs. All such payments will be made to the official or officials or depository so designated.

(b) *Land acquisition payments.* If an approved project includes land acquisition as an item of airport development, the sponsor may, at any time after it has executed the Grant Agreement, make separate application to the Administrator as provided in paragraph (f) of this section, for payment of the United States' share of the allowable project costs of any such land acquisition, including any acquisition completed prior to execution of the Grant Agreement which is part of the airport development included in the project. Each such application shall contain or be supported by sufficient information to permit the Administrator to determine the allowability of the cost of the land acquisitions for which payment is requested, and unless previously submitted, each such application shall be accompanied by evidence of title as to all lands involved, meeting the requirements for title evidence stated in § 550.5 (c) (5).

(c) *Partial grant payments for other project costs*—(1) *General.* Partial grant payments for all allowable project costs other than costs of land acquisition will be made to a sponsor from time to time as the work on a project progresses and such costs are incurred, upon application therefor as provided in paragraph (f) of this section. In the absence of an agreement otherwise, a sponsor may apply for such partial payments on a monthly basis.

(2) *Amount of partial grant payments.* Except as otherwise provided in § 550.9, partial grant payments will be made in amounts sufficient to bring the aggregate amount of all partial payments and land acquisition payments to the estimated United States' share of the project costs of the airport development accomplished under the project as of the date of the sponsor's latest application for such payment. No such payment will be made which would bring the aggregate amount of all partial payments and land acquisition payments for a project to more than 85% of the estimated United States' share of the total estimated costs of all airport development included in the project, or 85% of the maximum obligation of the United States as stated in the Grant Agreement, whichever amount is lower. In determining the amount of a partial grant payment, the Regional Administrator will deduct both from the amount of project costs incurred and from the amount of the estimated total project costs, those project costs which he may deem of questionable allowability.

(d) *Semi-final grant payments.* Whenever construction work on a project is suspended for an appreciable length of time and the allowability of the project costs of all airport development completed has been determined on the basis of an audit and review of all such costs, a semi-final grant payment may be made in an amount sufficient to bring the aggregate amount of all partial grant payments and land acquisition payments for the project to the United States' share of all allowable project costs incurred even though such amount may be in excess of the 85% limitations specified in paragraph (c) (2) of this section, but in no event to an amount in excess of the maximum obligation of the United States as stated in the Grant Agreement.

(e) *Final grant payments*—(1) *General.* At such time as a project has been wholly completed in accordance with the terms of the Grant Agreement, an application for final grant payment may be filed as provided in paragraph (f) of this section. The Administrator will make final grant payment thereon only when he has determined that the following conditions have been met:

(i) A final inspection of all work at the project site has been conducted by the representatives of the Administrator, the sponsor, and the contractor;

(ii) A final audit of the project account has been completed by representatives of the Administrator;

(iii) The sponsor has furnished the Administrator the final "as constructed" plans.

(2) *Amount of final grant payments.* Based upon the final inspection, the final audit, the final "as constructed" plans, and the documents required by paragraph (f) of this section, the Administrator will determine the total amount of the allowable project costs of a project and pay the sponsor the United States' share of such amount less the total amount of all prior grant payments: *Provided,* That the aggregate of all grant payments for a project shall not exceed the amount stated in the Grant Agreement for such project as the maximum obligation of the United States with respect thereto.

(f) *Applications for grant payments.* All applications for grant payments shall be made on Standard Voucher Form No. 1034 (Appendix L) in triplicate, accompanied by three copies each of (1) an Application for Grant Payment on Form ACA 1625 (Appendix M), (2) a Summary of Project Costs on Form ACA 1630 (Appendix N), and (3) a Periodic Cost Estimate on Form 1629 (Appendix K) for each contract or force account representing costs for which payment is requested.

(g) *Excess grant payments.* If upon final determination of the allowability of all project costs of a project, it is found that the total of grant payments made to the sponsor is in excess of the total United States' share of allowable project costs of the project, such excess shall be returned promptly by the sponsor to the United States.

§ 550.10 *Memoranda and hearings*—(a) *Memoranda.* At any time prior to the issuance of a grant offer for a project by the Administrator, any public agency, person, association, firm or corporation having a substantial interest in the disposition of the project application for such project, may file a memorandum in support thereof or in opposition thereto with the Administrator through the District Airport Engineer of the district in which the project is located. Such party may request a public hearing with respect to the location of the airport the development of which is proposed. If, in the opinion of the Administrator, the party filing the memorandum has a substantial interest in the matter, a public hearing will be held in accordance with paragraph (b) of this section.

(b) *Hearings.* If a request for a public hearing is made and approved as set forth in paragraph (a) of this section, the time and place of the hearing will be set by the Administrator. The time will be set so as to avoid undue delay in disposing of the subject project application but so as to afford reasonable time for all parties concerned to prepare for the hearing. The place of hearing will be at a place convenient to the sponsor. The Administrator will give notice of time and place by mail to the party filing the memorandum, to the sponsor or sponsors, and to such other persons as the Administrator deems necessary.

(c) *Procedure.* Any public hearing under paragraph (b) of this section will be conducted on behalf of the Administrator by such examiner or examiners as the Administrator may designate. Such examiner or examiners shall decide the time to be consumed, the type of testimony to be heard, and all other matters with respect to the conduct of the hearing.

(d) *Records.* A hearing will be recorded in such form and manner as may be determined by the examiner or examiners and the record so made shall become a part of the record of the project application.

Form ACA–1624
(Rev. 3–12–48)

APPENDIX C—DEPARTMENT OF COMMERCE, CIVIL AERONAUTICS ADMINISTRATION, WASHINGTON, D. C.

PROJECT APPLICATION

PART I—PROJECT INFORMATION

The _____ (herein called the "Sponsor") hereby makes application to the Administrator of Civil Aeronautics (herein called the "Administrator") for a grant of Federal funds pursuant to the Federal Airport Act of 1946 and the Regulations issued thereunder, for the purpose of aiding in financing a project (herein called the "Project") for development of the _____ Airport (herein called the "Airport") located at latitude _____, longitude _____, in the _____ of the State of _____.

It is proposed that the Project consist of the following described airport development:

_____

_____

_____

all as more particularly described in the survey map attached hereto as Exhibit "A" and the plans and specifications (attached hereto as Exhibit "B") (separately submitted to the Administrator on _____),[1] which are made a part hereof.

The following is a summary of the estimated costs of the Project:

_____

_____

Type of costs	Total estimated cost	Estimated sponsor's share of cost		Estimated Federal share of cost	
		Amount	Percent	Amount	Percent
1. Land costs (including costs of acquiring land and administrative costs incident thereto)					
2. Construction costs:					
a. Cost of preparation of site		xxx	xxx	xxx	xxx
b. Cost of paving runways, taxiways and aprons		xxx	xxx	xxx	xxx
c. Lighting costs		xxx	xxx	xxx	xxx
d. Building costs		xxx	xxx	xxx	xxx
e. Other miscellaneous construction costs		xxx	xxx	xxx	xxx
Total construction costs		xxx	xxx	xxx	xxx
3. Engineering and supervision costs		xxx	xxx	xxx	xxx
4. Administrative costs		xxx	xxx	xxx	xxx
5. Total of 2, 3, and 4 above					
6. Contingencies					
7. Total all estimated project costs			xxx		xxx

PART II—REPRESENTATIONS

In order to induce the United States to enter into a Grant Agreement with respect to the Project, the Sponsor hereby represents and certifies as follows:

1. *Legal authority.* The Sponsor has the legal power and authority: (1) to do all things necessary in order to undertake and carry out the Project in conformity with the Act and the regulations; (2) to accept, receive, and disburse grants of funds from the United States in aid of the Project, on the terms and conditions stated in the Act and the regulations; and (3) to carry out all of the provisions of Parts III and IV of this Project Application.

2. *Funds.* The Sponsor now has on deposit, or is in a position to secure, $_____ for use in defraying the costs of the Project. The present status of these funds is as follows:

_____

_____

3. *Land.* The Sponsor holds the following property interests in the following tracts of land[2] which are to be developed or used as part of or in connection with the Airport, all of which lands are identified on the survey map which is attached hereto as Exhibit "A":

_____

_____

4. *Approvals of other agencies.* The Project has been approved by all non-Federal agencies whose approval is required, namely:

_____

_____

5. *Defaults.* The Sponsor is not in default on any obligation to the United States or any agency of the United States Government relative to the development, operation, or maintenance of any airport, except as stated herewith:

_____

_____

[2] The separate tracts of land need only be identified here by the parcel numbers shown on the survey map.

6. *Possible disabilities.* There are no facts or circumstances (including the existence of effective or proposed leases, use agreements, or other legal instruments affecting use of the Airport or the existence of pending litigation or other legal proceedings) which: (a) are known or by due diligence might be known; (b) in reasonable probability might make it impossible for the Sponsor to carry out and complete the Project or carry out the provisions of Parts III and IV of this Project Application, either by limiting its legal or financial ability or otherwise; and (c) have not been brought to the attention of an authorized representative of the Administrator.

7. *Future development.* The Sponsor intends ultimately to develop the Airport as proposed in the current Master Plan Layout for the Airport, which plan has been mutually agreed upon by the Sponsor and the Administrator; and intends to proceed with such further development when it is necessary and feasible. The Sponsor further represents that pending such further development and to the extent of its ability to do so, it intends to acquire the lands and interests therein necessary for such development or to take such other action as will protect such proposed lands or interests from any development thereof inconsistent with the intended airport use.

PART III—SPONSOR'S ASSURANCES

In order to furnish the Administrator the Sponsor's assurances required by the Act and the Regulations, the Sponsor hereby covenants and agrees with the United States, as follows:

1. These covenants shall become effective upon acceptance by the Sponsor of an offer of Federal aid for the Project or any portion thereof, made by the Administrator, and shall constitute a part of the Grant Agreement thus formed. These covenants shall remain in full force and effect throughout the useful life of the facilities developed under the Project but in any event not to exceed twenty years from the date of said acceptance of an offer of Federal aid for the Project.

[1] Strike whichever clause is inapplicable.

2. The Sponsor will operate the Airport as such for the use and benefit of the public. In furtherance of this covenant (but without limiting its general applicability and effect), the Sponsor specifically agrees that it will keep the Airport open to all types, kinds and classes of aeronautical use without discrimination between such types, kinds and classes: *Provided,* That the Sponsor may establish such fair, equal and non-discriminatory conditions to be met by all users of the Airport as may be necessary for the safe and efficient operation of the Airport: *And provided further,* That the Sponsor may prohibit any given type, kind or class of aeronautical use of the Airport if such action will best serve the aeronautical needs of the area served by the Airport.

3. The Sponsor will not exercise, grant or permit any exclusive right for the use of the Airport forbidden by section 303 of the Civil Aeronautics Act of 1938, as amended. In furtherance of this covenant (but without limiting its general applicability and effect), the Sponsor specifically agrees that it will not either directly or indirectly exercise, or grant to any person, firm or corporation, or permit any person, firm, or corporation to exercise, any exclusive right for the use of the Airport for commercial flight operations, including air carrier transportation, rental of aircraft, conduct of charter flights, operation of flight schools or the carrying on of any other service or operation requiring the use of aircraft.

4. The Sponsor agrees that it will operate the Airport for the use and benefit of the public, on fair and reasonable terms and without unjust discrimination. In furtherance of this covenant (but without limiting its general applicability and effect), the Sponsor specfically covenants and agrees:

(a) That in any agreement, contract, lease or other arrangement under which a right or privilege at the Airport is granted to any person, firm, or corporation to render any service or furnish any parts, materials, or supplies (including the sale thereof) essential to the operation of aircraft at the Airport, the Sponsor will insert and enforce provisions requiring the contractor:

(1) To furnish good, prompt and efficient service[3] adequate to meet all the demands for its service[3] at the Airport,

(2) To furnish said service[3] on a fair, equal and nondiscriminatory basis to all users thereof, and

(3) To charge fair, reasonable and nondiscriminatory prices for each unit of sale or service:[3] *Provided,* That the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates or other similar types of price reductions to volume purchasers.

(b) That it will not exercise or grant any right or privilege which would operate to prevent any person, firm, or corporation operating aircraft on the Airport from:

(1) Performing any service[3] on its own aircraft with its own employees (including, but not limited to, maintenance and repair) that it may choose to perform,

(2) Purchasing off the Airport and having delivered on the Airport without entrance fee, delivery fee or other surcharge for delivery any parts, materials or supplies necessary for the servicing, repair or operation of its aircraft: *Provided,* That the Sponsor may make reasonable charges for the cost of any service (including charges for maintenance, operation and depreciation of facili-

[3] NOTE: As used in these subsections the word "service" shall include furnishing of parts, materials, and supplies (including sale thereof) as well as furnishing of service.

ties and rights-of-way) furnished by the Sponsor in connection with the delivery of any parts, materials or supplies: *And provided further,* That in the case of aviation gasoline and oil purchased off the Airport and delivered to the Airport, the Sponsor may require the aviation gasoline and oil to be stored in specified places, limiting the amount delivered to the amount of storage space available, and if necessary for the safe and efficient operation of the Airport, require persons furnishing their own aviation gasoline and oil to utilize such storage, dispensing and delivery system as the Sponsor may designate.

(c) That if it exercises any of the rights or privileges set forth in subsection (a) of this paragraph it will be bound by and adhere to the conditions specified for contractors set forth in said subsection (a).

5. Nothing contained herein shall be construed to prohibit the granting or exercise of an exclusive right for the furnishing of non-aviation products and supplies or any service of a non-aeronautical nature.

6. The Sponsor will suitably operate and maintain the Airport and all facilities thereon or connected therewith which are necessary for airport purposes other than facilities owned or controlled by the United States, and will not permit any activity thereon which would interfere with its use for aeronautical purposes: *Provided,* That nothing contained herein shall be construed to require that the Airport be operated and maintained for aeronautical uses during temporary periods when snow, flood, or other climatic conditions interfere substantially with such operation and maintenance. Essential facilities, including night lighting systems, when installed, will be operated in such a manner as to assure their availability to all users of the Airport.

7. To the extent of its financial ability, the Sponsor will replace and repair all buildings, structures, and facilities developed under the Project which are destroyed or damaged, replacing or restoring them to a condition comparable to that preceding the destruction or damage, if such buildings, structures, and facilities are determined by the Administrator to be necessary for the normal operation of the Airport.

8. Insofar as is within its powers and reasonably possible, the Sponsor will prevent the use of any land either within or outside the boundaries of the Airport in any manner (including the construction, erection, alteration, or growth of any structure or other object thereon) which would create a hazard to the landing, taking-off or maneuvering of aircraft at the Airport, or otherwise limit the usefulness of the Airport. This objective will be accomplished either by the adoption and enforcement of a zoning ordinance and regulations or by the acquisition of easements or other interests in lands or airspace, or by both such methods. With respect to land outside the boundaries of the airport, the Sponsor will also remove or cause to be removed any growth, structure, or other object thereon which would be a hazard to the landing, taking-off, or maneuvering of aircraft at the Airport, or if such removal is not feasible, will mark or light such growth, structure, or other object as an airport obstruction or cause it to be so marked or lighted. The airport approach standards to be followed in performing the covenants contained in this paragraph shall be those established by the Administrator in Office of Airports Drawing No. 672 dated September 1, 1946, unless otherwise authorized by the Administrator.

9. All facilities of the Airport developed with Federal aid and all those usable for the landing and taking-off of aircraft will be available to the United States at all times, without charge, for use by military and naval aircraft in common with other aircraft, except that if the use by military and naval aircraft is substantial, a reasonable share, proportional to such use, of the cost of operating and maintaining facilities so used, may be charged. The amount of use to be considered "substantial" and the charges to be made therefor shall be determined by the Sponsor and the using agency.

10. The Sponsor will furnish to any civil agency of the United States, without charge (except for light, heat, janitor service, and similar facilities and services at the reasonable cost thereof), such space in airport buildings as may be reasonably adequate for use in connection with any airport air traffic control activities, weather-reporting activities, and communications activities related to airport air traffic control, which are necessary to the safe and efficient operation of the Airport and which such agency may deem it necessary to establish and maintain at the Airport for such purpose.

11. After completion of the Project and during the term of these covenants, the Sponsor will maintain a current system of Airport accounts and records, using a system of its own choice, sufficient to provide annual statements of income and expense. It will furnish the Administrator with such annual or special Airport financial and operational reports as he may reasonably request. Such reports may be submitted to the Administrator on forms furnished by him, or may be submitted in such other manner as the Sponsor elects, provided the essential data are furnished. The Airport and all airport records and documents affecting the Airport, including deeds, leases, operation and use agreements, regulations, and other instruments, will be available for inspection by any duly authorized representative of the Administrator upon reasonable request. The Sponsor will furnish to the Administrator, upon request a true copy of any such document.

12. The Sponsor will not enter into any transaction which would operate to deprive it of any of the rights and powers necessary to perform any or all of the covenants made herein, unless by such transaction the obligation to perform all such covenants is assumed by another public agency eligible under the Act and the regulations to assume such obligations and having the power, authority and financial resources to carry out all such obligations. If an arrangement is made for management or operation of the Airport by any agency or person other than the Sponsor or an employee of the Sponsor, the Sponsor will reserve sufficient powers and authority to insure that the Airport will be operated and maintained in accordance with the Act, the Regulations, and these covenants.

13. The Sponsor will maintain a master plan (layout) of the Airport having the current approval of the Administrator. Such plan shall show building areas, approach areas, and landing areas, indicating present and future proposed development. The Sponsor will conform to such master plan (layout) in making any future improvements or changes at the Airport which, if made contrary to the master plan (layout), might adversely affect the safety, utility, or efficiency of the Airport.

14. (a) The Sponsor will acquire within a reasonable time but in any event prior to the start of any construction work under the Project, the following property interests in the following tracts of land[4] on which such construction work is to be performed, all of which lands are identified on the survey map which is attached hereto and identified as Exhibit "A":

(b) The Sponsor will acquire within a reasonable time and if feasible prior to the completion of all construction work under the Project, the following property interests in the following tracts of land[4] which are to be developed or used as part of or in connection with the Airport as it will be upon completion of the Project, all of which lands are identified on the survey map which is attached hereto and identified as Exhibit "A":

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15. Unless the context otherwise requires, all terms used in these covenants which are defined in the Act and the regulations shall have the meaning assigned to them therein.

PART IV—PROJECT AGREEMENT

If the Project or any portion thereof is approved by the Administrator and an offer of Federal aid for such approved project is accepted by the Sponsor, it is understood and agreed that all airport development included in such project will be accomplished in accordance with the Act and the regulations, the plans and specifications for such development, as approved by the Administrator, and the Grant Agreement with respect to the project.

In witness whereof, the Sponsor has caused this Project Application to be duly executed in its name, this _____ day of _____, 19_____.

_____
(Name of Sponsor)

By _____
_____
(Title)

Opinion of Sponsor's Attorney

I hereby certify that all statements of law made in this Project Application and all legal conclusions upon which the representations and convenants contained herein are based, are in my opinion true and correct.

_____
_____ _____
(Date) (Title)

[F. R. Doc. 48-2327; Filed, Mar. 17, 1948; 8:46 a. m.]

[4] The separate tracts of land need only be identified here by the parcel numbers shown on the survey map.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5471]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NEW ENGLAND FISH CO. ET AL

§ 3.45 (e) *Discriminating in price—Indirect discrimination—Brokerage payments.* In connection with the sale of sea food products or other merchandise in commerce, and on the part of respondent, New England Fish Company, and its officers, and on the part of respondents Hager, Choate, Eckman, Synestvedt, and Rich, individually and as officers of said corporation, and on the part of respondents' agents, etc., paying or granting, directly or indirectly, to any purchaser, anything of value as brokerage, or any commission, compensation, allowance or discount in lieu thereof, upon purchases made for such purchaser's own account; prohibited. (Sec. 2c, 49 Stat. 1527; 15 U. S. C., sec. 13c) [Cease and desist order, New England Fish Company et al., Docket 5471, January 12, 1948]

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 12th day of January A. D. 1948.

This proceeding having been heard by the Federal Trade Commisison upon the amended complaint of the Commission and the amended answer of the respondents, which answer admits the material allegations of fact set forth in said amended complaint and waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of subsection (c) of section 2 of an act of Congress entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (the Clayton Act), as amended by the Robinson-Patman Act, approved June 19, 1936 (15 U. S. C. sec. 13):

It is ordered, That the respondents New England Fish Company, a corporation, and its officers, and Alvah L. Hager, David F. Choate, James S. Eckman, Harald Synnestvedt and William J. Rich, individually, and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the sale of sea food products or other merchandise in commerce, as "commerce" is defined in the aforesaid Clayton Act, as amended, do forthwith cease and desist from: Paying or granting, directly or indirectly, to any purchaser, anything of value as brokerage, or any commission, compensation, allowance or discount in lieu thereof, upon purchases made for such purchaser's own account.

It is further ordered, That the respondents shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 48-2342; Filed, Mar. 17, 1948; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

NOTICE TO MANUFACTURERS, PACKERS, AND DISTRIBUTORS OF GLANDULAR PREPARATIONS

Pursuant to section 3 of the Administrative Procedure Act (60 Stat. 237, 238), the following interpretation is issued:

§ 3.3 *Notice to manufacturers, packers, and distributors of glandular preparations.* Under date of December 4, 1941, in a notice to manufacturers of glandular preparations, the Food and Drug Administration expressed the opinion that preparations of inert glandular materials intended for medicinal use should, in view of the requirement of section 201 (n) of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1041; 21 U. S. C. 321 (n)), be labeled with a statement of the material fact that there is no scientific evidence that the articles contain any therapeutic or physiologically active constituents. Numerous preparations of such inert glandular materials were subsequently marketed with disclaimers of the type suggested. The term "inert glandular materials" means preparations incapable of exerting an action or effect of some significant or measurable benefit in one way or another, i. e., in the diagnosis, cure, mitigation, treatment, or prevention of disease, or in affecting the structure or any function of the body.

Manufacturers have heretofore taken advantage of regulation (b) under section 502 (f) of the act (21 CFR, 2.106 (b)), permitting omission of directions for use where the so-called "prescription only" legend was placed upon the labels. This regulation was amended, effective October 10, 1945 (9 F. R. 12255–57). Among the conditions now authorizing the omission of directions for use, regulation (b) (3) (§ 2.106), is the following: "Information adequate for the use of such drug * * * by physicians, dentists, or veterinarians, as the case may be, is readily available." Obviously, information adequate for the use of a glandular preparation which is inert is not available to physicians, dentists, or veterinarians.

This Agency is of the opinion that inert glandular materials may not be exempted from the requirements of section 502 (f) (1) that they bear adequate directions for use; and, accordingly, that their labeling must include, among other things, representations as to the conditions for which such articles are intended to be used or as to the structure or function of the human body that they are intended to affect. Since any such representations offering these articles for use as drugs would be false or misleading, such articles will be considered to be misbranded if they are distributed for use as drugs.

The amended regulations provide also that in the case of drugs intended for parenteral administration there shall be no exemption from the requirement that their labelings bear adequate directions for use. Such inert glandular materials for parenteral use are therefore subject to the same comment as applies to those intended for oral administration. (Sec. 3, 60 Stat. 238; 5 U. S. C. 1002)

Dated: March 12, 1948.

[SEAL] OSCAR R. EWING, *Administrator.*

[F. R. Doc. 48-2340; Filed, Mar. 17, 1948; 8:58 a. m.]

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATIONS

NOTICE TO MANUFACTURERS, PACKERS, AND DISTRIBUTORS OF DRUGS FOR INTERNAL USE WHICH CONTAIN MINERAL OIL

Pursuant to section 3 of the Administrative Procedure Act (60 Stat. 237, 238), the following interpretation is issued:

§ 3.4 *Notice to manufacturers, packers, and distributors of drugs for internal use which contain mineral oil.* In the past few years research studies have altered medical opinion as to the usefulness and harmfulness of mineral oil in the human body. These studies have indicated that when mineral oil is used orally near mealtime it interferes with absorption from the digestive tract of provitamin A and the fat-soluble vitamins A, D, and K, and consequently interferes with the utilization of calcium and phosphorus, with the result that the user is left liable to deficiency diseases. When so used in pregnancy it predisposes to hemorrhagic disease of the newborn.

There is accumulated evidence that the indiscriminate administration of mineral oil to infants may be followed by aspiration of the mineral oil and subsequent "lipoid pneumonia."

In view of these facts, the Federal Security Agency will regard as misbranded under the provisions of the Federal Food, Drug, and Cosmetic Act a drug for oral administration consisting in whole or in part of mineral oil, the labeling of which encourages its use in pregnancy or indicates or implies that such drug is for administration to infants.

It is also this Agency's view that the act requires the labelings of such drugs to bear a warning against consumption other than at bedtime and against administration to infants. The following form of warning is suggested: "*Caution:* To be taken only at bedtime. Do not use at any other time or administer to infants, except upon the advice of a physician."

This statement of interpretation does not in any way exempt mineral oil or preparations containing mineral oil from complying in all other respects with the requirements of the Federal Food, Drug, and Cosmetic Act. (Sec. 3, 60 Stat. 238; 5 U. S. C. 1002)

Dated: March 12, 1948.

[SEAL] OSCAR R. EWING, *Administrator.*

[F. R. Doc. 48-2339; Filed, Mar. 17, 1948; 8:58 a. m.]

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

NOTICE TO MANUFACTUERS, PACKERS, AND DISTRIBUTORS OF GAUZE BANDAGES

Pursuant to section 3 of the Administrative Procedure Act (60 Stat. 237, 238), the following statement of policy is issued:

§ 3.5 *Notice to manufacturers, packers, and distributors of gauze bandages.* The Twelfth Revision of the United States Pharmacopoeia established a packaging specification standard for Adhesive Absorbent Gauze (Adhesive Absorbent Compress) which read: "Adhesive Absorbent Gauze must be packaged individually in such manner that the sterility is maintained until the individual package is opened for use, and the individual packages must be grouped in a second protective container." This specification, with slight modifications in the

wording, appears in the Thirteenth Revision of the United States Pharmacopoeia, which is now official.

At the time the standard was first promulgated representations were made to the Food and Drug Administration that, due to the existence of war priorities, it was impossible for manufacturers to obtain the machinery needed to wrap the bandages individually. In view of the priority situation existing at that time, the Administration informed manufacturers generally that until conditions changed no legal actions would be inaugurated under the provisions of the Federal Food, Drug, and Cosmetic Act based solely on the failure to wrap adhesive gauze bandages individually.

Recent investigations have revealed that most manufacturers have obtained the machinery needed for the individual wrapping of such bandages or have been promised early delivery of such machinery. It will be the purpose of the Federal Security Agency to recommend legal actions in instances where United States Pharmacopoeia packaging requirements are not complied with after July 1, 1948. (Sec. 3, 60 Stat. 238; 5 U. S. C. 1002)

Dated: March 12, 1948.

[SEAL] OSCAR R. EWING, *Administrator.*

[F. R. Doc. 48-2341; Filed, Mar. 17, 1948; 8:58 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Office of Selective Service Records

[Amdt. 11]

PART 606—GENERAL ADMINISTRATION

SUPPLYING INFORMATION FROM RECORDS

Office of Selective Service Records Regulations, First Edition (13 F. R. 655), are hereby amended in the following respect:

1. Amend subparagraphs (2) and (3) and add subparagraphs (15) and (16) to paragraph (b) of § 606.14 to read as follows:

§ 606.14 *Supplying information to Federal agencies and officials.* * * *

(b) * * *

(2) *Department of Justice.* The Department of Justice may obtain such information upon the request of (i) the Attorney General, (ii) the Administrative Assistant to the Attorney General, (iii) the Commissioner of Immigration and Naturalization, (iv) a District Director, an Officer in Charge, a Naturalization Examiner, an Immigrant Inspector, an Investigator, or a Patrol Inspector, Immigration and Naturalization Service, (v) a United States Attorney or his duly authorized representative, or (vi) an agent of the Federal Bureau of Investigation.

(3) *Department of the Army.* The Department of the Army may obtain such information upon the request of (i) the Administrative Assistant to the Secretary of the Army, (ii) the Executive Officer or the Secretary-Recorder of the Army Discharge Review Board, Washington, D. C., (iii) the Assistant Secretary-Recorder of the Army Discharge Review Board, St. Louis, Missouri, (iv) the Chairman of the Army Board on Correction of Military Records, (v) the Chief, Security Group, Intelligence Division, General Staff, United States Army, (vi) Personnel of the Counter Intelligence Corps, United States Army, (vii) the Adjutant General, (viii) the Commanding Officer, Records Administration Center, St. Louis, Missouri, (ix) the Chief, Repatriation Records Branch, Office of the Quartermaster General, (x) the Chief, Personnel Branch, National Guard Bureau, (xi) the Adjutant General, Headquarters, First Army, (xii) the Executive Officer, Military Personnel Procurement Division, Headquarters, Second Army, (xiii) the Records Administrator, Headquarters, Third Army, (xiv) the Adjutant General, Headquarters, Fourth Army, (xv) the Selective Service Liaison Officer, Headquarters, Fifth Army, (xvi) the Adjutant General, Headquarters, Sixth Army, (xvii) the Adjutant General, Headquarters, Military District of Washington, (xviii) the Executive Officer, Army Finance Center, (xix) an Agent of the Criminal Investigation Division, Office of the Provost Marshal General, or (xx) a Provost Marshal or an Agent of the Criminal Investigation Division of the Military District of Washington or of the First, Second, Third, Fourth, Fifth or Sixth Army.

* * * * *

(15) *Department of the Interior.* The Department of the Interior may obtain such information upon the request of (i) the Secretary of the Interior, (ii) the Under Secretary of the Interior, (iii) an Assistant Secretary of the Interior, (iv) the Assistant to the Secretary in Charge of Land Utilization, (v) the Supervising Field Representative, Office of the Secretary, (vi) the Director of Personnel, (vii) the Chief, Division of Administration, Bureau of Land Management, (viii) the Personnel Officer, Office of Indian Affairs, (ix) the Personnel Officer, Geological Survey, (x) the Chief Personnel Officer, the Chief of the Personnel Field Office, or a Regional Personnel Officer, Bureau of Reclamation, (xi) the Assistant Director, or the Personnel Officer, National Park Service, (xii) the Superintendent, National Capital Parks, (xiii) the Personnel Officer, Bureau of Mines, (xiv) the Director, or a Regional Director, Fish and Wildlife Service, or (xv) the Chief, Division of Administration and Personnel, Southwestern Power Administration.

(16) *Administrative Office of the United States Courts.* The Administrative Office of the United States Courts may obtain such information upon the request of a United States Probation Officer.

(Pub. Law 26, 80th Cong.; 61 Stat. 31)

2. Amend subparagraphs (5), (14), (27), (28), (40), (41), and (50) of paragraph (b) of § 606.15 to read as follows:

§ 606.15 *Supplying information to officials and agencies of States, the District of Columbia, Territories and possessions of the United States.* * * *

(b) * * *

(5) *State of California.* The officials of the State of California authorized to obtain such information are (i) the Adjutant General, (ii) the Director and the Deputy Director, Department of Veterans' Affairs, and (iii) the Chairman, Employment Stabilization Commission.

* * * * *

(14) *State of Illinois.* The officials of the State of Illinois and its subdivisions authorized to obtain such information are (i) the Adjutant General, (ii) the Commissioner of Placement and Unemployment Compensation, (iii) the Director and the Deputy Directors, Illinois Service Recognition Board, (iv) the Administrator and the Assistant Administrators, Illinois Veterans' Commission, (v) the Director, the Assistant Director, and the Superintendent and the Assistant Superintendent of the Division of Veterans' Service, Department of Public Welfare, (vi) the Chief Probation Officer, Adult Probation Department, Cook County, (vii) the Director and the Assistant Director, Department of Public Safety, (viii) the Director and the Assistant Director, Public Aid Commission, (ix) the Director, Cook County Bureau of Public Welfare, (x) the Commissioners, Chicago Welfare Commission, and (xi) the Chief and the Assistant Chief, Bureau of Missing Persons, Chicago Police Department.

* * * * *

(27) *State of Montana.* The officials of the State of Montana authorized to obtain such information are (i) the Adjutant General, (ii) the Chairman and the Deputy Chairman, Unemployment Compensation Commission, (iii) the State Service Officer and Service Officers, Veterans' Welfare Commission, and (iv) the Director, the Supervisor of Guidance Training, and Placement and Rehabilitation Agents, Bureau of Vocational Rehabilitation.

(28) *State of Nebraska.* The officials of the State of Nebraska authorized to obtain such information are (i) the Adjutant General, (ii) the Secretary of State, (iii) the Attorney General, (iv) the Commissioner of Labor, and the Director of the Division of Placement and Unemployment Insurance, Department of Labor, (v) the State Engineer, (vi) the Director of Health, (vii) the Superintendent of Public Safety, Law Enforcement and Patrol, (viii) the State Tax Commissioner, (ix) the Board of Control, (x) the Presiding Judge, Nebraska Workman's Compensation Court, (xi) the Executive Secretary, Nebraska Public Library Commission, (xii) the Director, Nebraska Merit System, and (xiii) the Secretary, Nebraska State Historical Society.

* * * * *

(40) *Puerto Rico.* The officials of Puerto Rico authorized to obtain such information are (i) the Executive Secretary of Puerto Rico, (ii) the Adjutant General, (iii) the Chief of Insular Police, (iv) the Commissioner of Health, (v) the Director of the Personnel Office, and (vi) the Chief, Readjustment Accounts Section.

(41) *State of Rhode Island.* The officials of the State of Rhode Island au-

thorized to obtain such information are (i) the Adjutant General, (ii) the Chairman, Unemployment Compensation Board, (iii) the Director, State Department of Social Welfare, (iv) the Director, State Department of Labor, (v) the Director, State Civil Service Commission, (vi) the Superintendent and the Executive Officer, Rhode Island State Police, and (vii) the Director, State Department of Education.

* * * * *

(50) *State of Washington.* The officials of the State of Washington authorized to obtain such information are (i) the Adjutant General, (ii) the Assistant Personnel Officer, the Adjutant General's Office, (iii) the Commissioner, Employment Security Department, (iv) the Chief, Division of Parole and Probation, (v) the Director, Veterans' Rehabilitation Council, and (vi) the Director, and the County Welfare Administrators, Department of Public Welfare.

(Pub. Law 26, 80 Cong.; 61 Stat. 31)

The foregoing amendment to the Office of Selective Service Records Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

MARCH 15, 1948.

[F. R. Doc. 48-2338; Filed, Mar. 17, 1948; 8:58 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 52]

UNITED STATES STANDARDS FOR GRADES OF FRUIT PRESERVES (OR JAMS)[1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as herein proposed, of the United States Standards for Grades of Fruit Preserves (or Jams) pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1948 (Pub. Law 266, 80th Cong., approved July 30, 1947). These standards, if made effective, will be the second issue by the Department for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards shall file the same in quadruplicate with the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 52.333 *Fruit preserves (or jams).* (a) "Fruit preserves (or jams)" means preserves or jams as defined in the definitions and standards of identity for preserves, jams (21 CFR Cum. Supp., 29.0), issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(1) Compliance with the standard of identity to establish the ingredients or proportion of ingredients will be indicated on Federal inspection certificates only when these conditions are ascertained during the process of manufacture.

(2) The soluble solids for fruit preserves (or jams) in Group I are not less than 68 percent (see paragraph (c) of this section).

(3) The soluble solids for fruit preserves (or jams) in Group II are not less than 65 percent (see paragraph (c) of this section).

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(b) *Types of fruit preserves (or jams).* (1) Type I: Prepared from a single variety of fruit.

(2) Type II: Prepared from a mixture of two or more varieties of fruit.

(c) *Kinds of fruit preserves (or jams).*

GROUP I

Any one, or any combination of two or more of the following:
- Blackberry (other than dewberry).
- Black Raspberry.
- Blueberry.
- Boysenberry.
- Cherry.
- Crabapple.
- Dewberry (other than boysenberry, loganberry and youngberry).
- Elderberry.
- Grape.
- Grapefruit.
- Huckleberry.
- Loganberry.
- Orange.
- Pineapple.
- Raspberry, Red raspberry.
- Rhubarb.
- Strawberry.
- Tangerine.
- Tomato.
- Yellow Tomato.
- Youngberry.

GROUP II

Any one, any combination of two or more of the following, or in combination with one or more of the fruits in both Group I and II:
- Apple (Type II only).
- Apricot.
- Cranberry.
- Damson, damson plum.
- Fig.
- Gooseberry.
- Greengage, greengage plum.
- Guava.
- Nectarine.
- Peach (Clingstone and Freestone).
- Pear.
- Plum (other than greengage plum and damson plum).
- Quince.
- Red currant, currant (other than black currant).

(d) *Grades of fruit preserves (or jams).* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of fruit preserves (or jams) that possess a practically uniform, good typical color; are practically free from defects; and are of such quality with respect to consistency and flavor as to score not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of fruit preserves (or jams) that possess a reasonably good consistency; possess a reasonably uniform, good typical color; are reasonably free from defects; possess a reasonably good and normal flavor; and score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade D" or "Substandard" is the quality of fruit preserves (or jams) that fail to meet the requirements of U. S. Grade B or U. S. Choice.

(e) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that the container be filled with fruit preserves (or jams) as full as practicable without impairment of quality and that the product occupies not less than 90 percent of the capacity of the container.

(f) *Ascertaining the grade.* The grade of fruit preserves (or jams) may be ascertained by considering, in addition to the requirements of the respective grade, the following factors: Consistency, color, absence of defects, and flavor. The relative importance of each factor has been expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

	Points
(1) Consistency	20
(2) Color	20
(3) Absence of defects	40
(4) Flavor	20
Total score	100

(g) *Ascertaining the rating for each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Consistency.* The factor of consistency refers to the gel strength of the product and to the extent of the dispersion of the fruit or fruit particles.

(i) Fruit preserves (or jams) that possess a good consistency may be given a score of 17 to 20 points. "Good consistency" means that the fruit or fruit particles are dispersed uniformly throughout the product; and that the product is a tender gel or may possess no more than a very slight tendency to flow, except that a sirupy consistency is per-

mitted when the fruit is chiefly in the form of whole units or large pieces.

(ii) If the fruit preserves (or jams) possess a reasonably good consistency, a score of 14 to 16 points may be given. "Reasonably good consistency" means that the fruit or fruit particles are dispersed reasonably uniformly throughout the product; and that the product may be firm but not rubbery or may be thin but not watery.

(iii) Fruit preserves (or jams) that fail to meet the requirements of subdivision (ii) of this subparagraph for any reason may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Color.* (i) Fruit preserves (or jams) that possess a practically uniform, good typical color may be given a score of 17 to 20 points. "Practically uniform, good typical color" means that the color is bright, practically uniform throughout, and characteristic of the variety or varieties; and that the product is free from dullness of color due to oxidation, improper processing, lack of cooling, or other causes.

(ii) If the fruit preserves (or jams) possess a reasonably uniform, reasonably good typical color, a score of 14 to 16 points may be given. Fruit preserves (or jams) that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably uniform, reasonably good typical color" means that the color is reasonably bright, reasonably uniform throughout, and characteristic of the variety or varieties; and that the color may be slightly dull or dark due to oxidation, improper processing, lack of cooling, or other causes.

(iii) Fruit preserves (or jams) that are definitely off color for any reason or that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from stems, leaves, caps or portions thereof, and other extraneous material; from loose sepal-like bracts; from seeds and portions thereof; from pits and portions thereof; and from peel in fruits that are commonly prepared for preserve (or jam) manufacturing by the removal of such substances; and from blemished, underdeveloped, or otherwise damaged units of fruit.

(i) The determination of allowances for defects in Table No. I of this section is based on each individual container comprising the sample unless the container is smaller than the amount for the allowance stated, in which case the allowance based on the average of all containers examined is applicable; for example, in an allowance of "1 per 200 ounces," the amount allowed would be permitted in a total of not less than 15–8 ounce (200 ounces) containers. Any quantity expressed as ounces that is unqualified means the net weight of the container or containers comprising the sample; for example, "1 only per 32 ounces," means "1 only per 32 ounces of net weight."

(ii) "Short stems" (in strawberry preserves or preserves in which strawberries are the predominating ingredient) means stems, with or without sepal-like bracts or with or without caps or portions of caps, which are 1/16 inch to, and including, 1/8 inch in length.

(iii) "Stems" include stems that are over 1/8 inch in length.

(iv) A "cluster of cap stems" (in blueberry, elderberry, or huckleberry or preserves in which these berries are the predominating ingredient) means three or more joined cap stems with or without berries attached.

(v) "Peel" is considered as a defect in the case of fruits (such as apples and peaches) that are commonly prepared for preserve (or jam) manufacturing by the removal of the peel.

(vi) "Pits or portions thereof" are considered as defects in the case of fruits (such as apricots, cherries, plums, and peaches) that are commonly prepared for preserve (or jam) manufacturing by the removal of pits.

(vii) "Seeds or portions thereof" are considered as defects in the case of fruits (such as apples, grapes, and pears) that are commonly prepared for preserve (or jam) manufacturing by the removal of such substances.

(viii) "Blemished, underdeveloped, or otherwise damaged" includes units of fruit that are damaged by discolored skin, bruised spots, insect or similar injury, or that are hard and shriveled or possess hard areas; or that are damaged by mechanical, pathological, or similar injury. A unit is considered damaged if the discoloration or other abnormality covers an aggregate area exceeding the area of a circle 1/4 inch in diameter. Units with black or very dark spots, worm holes, or serious insect injury are considered blemished units, regardless of the area or size of the injury.

(ix) Fruit preserves (or jams) that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that no more defects or defective units for the kinds listed in Table No. 1 of this section may be present.

(x) If the fruit preserves (or jams) are reasonably free from defects, a score of 28 to 33 points may be given. Fruit preserves (or jams) that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that no more defects or defective units for the kinds listed in Table No. 1 of this section may be present.

(xi) Fruit preserves (or jams) that fail to meet the requirements of U. S. Grade B or U. S. Choice for the respective kinds listed in Table No. 1 may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE NO. I—ALLOWANCES FOR DEFECTS

Kinds of preserves (or jams) of types I or II when one of the following is the predominating ingredient	Grade and score range	Stems	Leaves	Caps or portions	Other extraneous material	Loose Sepal-like bracts	Seeds, pits, or portions thereof	Peel	Blemished, underdeveloped, or otherwise damaged
		Maximum allowances							
Blackberry, Boysenberry, Dewberry, Loganberry, Raspberry, Raspberry, Black; Raspberry, Red; Youngberry.	U. S. Grade A or U. S. Fancy (34–40 points).	Total of 1 only per 96 ounces of net weight				1 per 8 oz. of net weight.	10 seeds per 8 ounces in "seedless" only.		2 per 8 ounces of net weight.
	U. S. Grade B or U. S. Choice (28–33 points).	Total of 1 only per 32 ounces of net weight				3 per 8 oz. of net weight.	20 seeds per 8 ounces in "seedless" only.		4 per 8 ounces of net weight.
	U. S. Grade D or Substandard (27 points or less).	More than allowances for U. S. Grade B or U. S. Choice.							
Cherry	U. S. Grade A (34–40).	Total of 1 only per 32 ounces of net weight					1 per 32 ounces of net weight.		5 per 8 ounces of net weight.
	U. S. Grade B (28–33).	Total of 1 only per 16 ounces of net weight					1 per 32 ounces of net weight.		8 per 8 ounces of net weight.
Blueberry, Elderberry, Huckleberry.	U. S. Grade A (34–40).	Total of 1 large stem or 1 leaf per 8 ounces; and 1 cluster of cap stems per 8 ounces.							3 per 8 ounces of net weight.
	U. S. Grade B (28–33).	Total of 3 large stems or 3 leaves per 16 ounces; and 3 clusters of cap stems per 16 ounces.							5 per 8 ounces of net weight.
Apricot	U. S. Grade A (34–40).	Total of 1 only per 32 ounces.			1 only per 200 oz.		1 only per 200 ounces.	No limit	2 units per 16 ounces.
	U. S. Grade B (28–33).	Total of 1 only per 16 ounces.			1 only per 128 oz.		1 only per 200 ounces.	No limit	4 units per 8 ounces.
Peach, Nectarine	U. S. Grade A (34–40).	None			1 only per 32 oz.		1 only per 96 ounces.	1 square inch per 16 ounces.	2 units per 8 ounces of net weight.
	U. S. Grade B (28–33).	None			3 per 32 oz.		1 only per 48 ounces.	1 square inch per 8 ounces.	8 units per 8 ounces of net weight.

TABLE NO. I—ALLOWANCES FOR DEFECTS—Continued

Kinds of preserves (or jams) of types I or II when one of the following is the predominating ingredient	Grade and score range	Stems	Leaves	Caps or portions	Other extraneous material	Loose Sepal-like bracts	Seeds, pits, or portions thereof	Peel	Blemished, underdeveloped, or otherwise damaged
		Maximum allowances							
Strawberries	U. S. Grade A (34-40).	Total of only 1 per 96 ounces, exclusive of caps and sepal-like bracts; and equivalent of 1 full cap per 96 ounces or 3 sepal-like bracts per 16 ounces; and 2 short stems per 8 ounces.							2 units per 8 ounces of net weight.
	U. S. Grade B (28-33).	Total of only 1 per 32 ounces, exclusive of caps and sepal-like bracts; and equivalent of 1 full cap per 48 ounces or 5 sepal-like bracts per 16 ounces; and 4 short stems per 8 ounces.							4 units per 8 ounces of net weight.
Damson plum, Greengage plum, Plum (others).	U. S. Grade A (34-40).	Total of 2 only per 16 oz.			1 only per 128 oz.		1 only per 32 ounces.	No limit	1 unit per 8 ounces.
	U. S. Grade B (28-33).	Total of 3 per 16 ounces.			1 only per 32 oz.		1 only per 16 ounces.	No limit	2 units per 8 ounces.
Apple, Crabapple, Cranberry, Currant (other than Black), Currant, Red, Fig, Gooseberry, Grape, Grapefruit, Guava, Orange, Pear, Pineapple, Quince, Rhubarb, Tangerine, Tomato, Tomato, Yellow and any other kinds or combinations not specifically listed.	U. S. Grade A (34-40).	Total of 1 only per 32 oz.	None		1 only per 200 oz.	3 per 16 ounces.	3 seeds per 8 ounces in fruits prepared by coring.	1 square inch per 16 ounces in fruits prepared by peeling.	2 units per 8 ounces of net weight.
	U. S. Grade B (28-33).	Total of 1 only per 32 oz.	None		1 only per 128 oz.	5 per 16 ounces.	6 seeds per 8 ounces in fruits prepared by coring.	1 square inch per 8 ounces in fruits prepared by peeling.	4 units per 8 ounces of net weight.

(4) *Flavor.* (i) Fruit preserves (or jams) that possess a distinct and normal flavor may be given a score of 17 to 20 points. "Distinct and normal flavor" means that the product possesses a good distinct flavor characteristic of the fruit ingredient or fruit ingredients and is free from any caramelized flavor or any objectionable flavor of any kind.

(ii) If the fruit preserves (or jams) possess a reasonably good and normal flavor, a score of 14 to 16 points may be given. "Reasonably good and normal flavor" means that the product possesses a reasonably good flavor characteristic of the fruit or fruit ingredients and may possess a slightly caramelized flavor but is free from any bitter flavor or other objectionable flavor or off flavor of any kind.

(iii) Fruit preserves (or jams) that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(h) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of fruit preserves (or jams), the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated:

(ii) None of the containers comprising the sample fall more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Aet and in effect at the time of the aforesaid certification.

(i) *Score sheet for fruit preserves (or jams).*

Size and kind of container.....

Container code or marking			
Label			
Net weight (in ounces)			
Vacuum reading (in inches)			
Type			
Kind (if known)			
Soluble solids			
Factors	Score points		
I. Consistency	20	(A) 17-20 (B) 14-16 (D)[1] 0-13	
II. Color	20	(A) 17-20 (B)[1] 14-16 (D)[1] 0-13	
III. Absence of defects	40	(A) 34-40 (B)[1] 28-33 (D)[1] 0-27	
IV. Flavor	20	(A) 17-20 (B) 14-16 (D)[1] 0-13	
Total score	100		
Grade			

[1] Indicates limiting rule.

Issued this 12th day of March 1948.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 48-2336; Filed, Mar. 17, 1948; 8:46 a. m.]

NOTICES

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1769]

BLACK METAL MINES, INC.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of March A. D. 1948.

Black Metal Mines, Incorporated, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw its Common Stock, 10¢ Par Value, from listing and registration on the Salt Lake Stock Exchange.

The application alleges that (1) there is an insufficient number of shares outstanding in the hands of the investing public to justify the continuance of registration and listing of this security; (2) there is an insufficient number of stockholders; to wit, 34, to justify the continuance of registration and listing of this security; (3) the mining property of the issuer has not been operated during the past twenty years and there is no immediate prospect for a resumption of operations; and (4) this security was suspended from trading on the applicant exchange in May 1946 and has not been traded on the Exchange since that time.

Upon receipt of a request, prior to April 19, 1948, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the

Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-2332; Filed, Mar. 17, 1948; 8:52 a. m.]

[File No. 7-1039]

AMERICAN TELEPHONE AND TELEGRAPH CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of March A. D. 1948.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Ten-Year 2¾% Convertible Debentures, due December 15, 1957, of American Telephone and Telegraph Company, a security listed and registered on the Boston Stock Exchange, Chicago Stock Exchange, New York Stock Exchange, Philadelphia Stock Exchange, and Washington Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to April 5, 1948, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-2331; Filed, Mar. 17, 1948; 8:52 a. m.]

[File No. 70-1763]

WEST TEXAS UTILITIES CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 11th day of March A. D. 1948.

Notice is hereby given that West Texas Utilities Company ("West Texas"), a public utility subsidiary of Central and South West Corporation, a registered holding company, has filed a declaration with this Commission pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935.

Notice is further given that any interested person may, not later than March 26, 1948 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 26, 1948 said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration, which is on file in the office of this Commission, for a statement of the transactions therein proposed which are summarized below:

West Texas presently holds in its treasury 1,983 shares of its $6 Preferred Stock, without par value, which it reacquired in the period 1935 through 1943. West Texas proposes to issue and sell such shares locally through brokers, or directly to the public, at the market price for its preferred stock prevailing at the time of such sale, but in no event will such sale be made at a price to net the company less than $110 per share and accrued dividends. The company proposes to sell such stock with notification to the purchasers that the stock may be redeemed at the company's option at $110 per share and accrued dividends.

Said declaration states that because of recent heavy cash requirements such shares are being sold to obtain cash to maintain an adequate margin of working funds. Fees and expenses to be incurred in connection with the proposed transaction are estimated by West Texas at $992.

West Texas states that no Federal or State regulatory authority, other than this Commission, has jurisdiction over the proposed transaction, and requests that the order of this Commission permitting said declaration to become effective be issued as soon as practicable and become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-2328; Filed, Mar. 17, 1948; 8:51 a. m.]

[File No. 70-1759]

OHIO POWER CO. AND CENTRAL OHIO COAL CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 11th day of March A. D. 1948.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Ohio Power Company ("Ohio"), a utility subsidiary of American Gas and Electric Company, a registered holding company, and Ohio's wholly owned nonutility subsidiary, Central Ohio Coal Company ("Coal Company"). Applicant-declarants designate sections 7 and 10 of the act as applicable to the proposed transactions which are summarized as follows:

Coal Company was organized for the purpose of operating a strip-coal mine on land owned by Ohio, and of buying coal for and selling coal to Ohio only, the price of coal sold to Ohio being so fixed as to allow Coal Company to realize a profit from operations which when paid to Ohio in the form of dividends allows the latter company to earn approximately 6% on its investment in Coal Company. Pursuant to authorizations of the Commission, Ohio has acquired 18,000 shares of Coal Company's capital stock for a cash consideration of $1,800,000 (File Nos. 70-1212, 70-1398). In addition, the application-declaration states that Ohio will acquire, prior to March 31, 1948, 2,000 additional shares of the capital stock of Coal Company for a cash consideration of $200,000, as heretofore authorized by the Commission (File No. 70-1398).

Coal Company proposes to amend its Articles of Incorporation to increase the authorized number of shares of capital stock from 25,000 shares having a par value of $100 per share to 40,000 shares of a par value of $100 per share. Ohio proposes to purchase 10,000 additional shares of the capital stock of Coal Company at a price of $100 per share, such shares to be purchased from Coal Company from time to time prior to December 31, 1949 as funds are needed by Coal Company.

Of the $1,000,000 to be invested in Coal Company by Ohio approximately $450,000 will be used for the purchase of additional equipment to expand the strip-mining operations of Coal Company. The balance will be used for the acquisition of such other equipment as may be needed and to give Coal Company sufficient working capital in connection with its increased production schedule.

The joint application-declaration requests that the Commission's order herein be issued on or before March 30, 1948 and that it be effective forthwith upon the issuance thereof.

Notice is further given that any interested person may, not later than March 24, 1948 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said application-declara-

tion, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed as follows: Secretary, Securities and Exchange Commission, 425 Second Street, N. W., Washington 25, D. C. At any time after March 24, 1948, at 5:30 p. m., e. s. t., said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-2329; Filed, Mar. 17, 1948; 8:51 a. m.]

[File No. 70-1760]

OHIO POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 11th day of March A. D. 1948.

Notice is hereby given that The Ohio Power Company ("Ohio") an electric utility subsidiary of American Gas and Electric Company ("American Gas"), a registered holding company, has filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935, and has designated sections 6 (b), 10 (a), and 12 (c) of the act and Rules U-42 and U-50 as applicable to the proposed transactions which are summarized as follows:

Ohio proposes to issue and sell $40,000,000 aggregate principal amount of its First Mortgage Bonds, ____ % Series, due 1978 ("1978 Bonds"). Said bonds will be sold pursuant to the competitive bidding requirements of Rule U-50. The coupon rate, which shall be expressed in multiples of ⅛ of 1% and shall not exceed 3¼%, and the price to be paid to Ohio, which shall not be less than 100 and shall not exceed 102¾, will be determined by competitive bidding.

Ohio also proposes to issue and sell 7,048 shares of its common stock, without par value (being the balance of its authorized and unissued shares of said common stock), to American Gas for a cash consideration of $7,000,000.

The application-declaration states that the proceeds from the sales of the securities proposed to be issued and sold will be applied to the following: (1) Payment of $9,500,000 aggregate principal amount of notes payable to banks due December 31, 1950, without premium; (2) A cash deposit of $1,067,000 for the redemption of $970,000 aggregate principal amount of Gold Debenture Bonds, 6% Series, due 2024, on June 1, 1949, at 110% of their principal amount, with privilege to the holders of immediate payment; (3) Deposit with the corporate trustee under the mortgage securing Ohio's First Mortgage Bonds of $31,000,000 in cash to be withdrawn by Ohio in accordance with the terms of said mortgage. The remaining proceeds will be added to Ohio's treasury funds to be used, together with such amounts as are withdrawn as provided in (3) above, for extensions, improvements, and betterments of Ohio's properties and for other corporate purposes.

The application-declaration states that Ohio is engaged in a construction program calling for the expenditure of approximately $71,344,000 for the years 1948 through 1951. It is further stated that the estimated net proceeds from the sale of the securities proposed to be issued plus cash accumulated through the provision for depreciation and retention of earnings during the period 1948 through 1951, are expected to be sufficient to finance the construction program of the company through the period stated.

The bonds proposed to be issued will be secured by an Indenture, dated as of April 1, 1948, supplemental to the Mortgage and Deed of Trust between Ohio and Central Hanover Bank & Trust Company and Frank Wolfe, as Trustees, dated as of October 1, 1938. The Mortgage and Deed of Trust as supplemented provides that additional bonds may be issued up to 60% of the cost or fair value of net property additions. The supplemental Indenture further provides in effect for an annual sinking and improvement fund equivalent to 1% of the greatest principal amount of the 1978 Series bonds outstanding at any one time, which sinking fund may be met by cash or property. Further the mortgage provides for a replacement fund whereby the company is required to expend each year 15% of the base operating revenues during each year for maintenance of the mortgaged property and for property substituted for property retired since December 31, 1940.

The Supplemental Indenture also provides that so long as any of the 1978 Series bonds are outstanding, the company may not declare or pay any cash dividends on its common stock, or acquire any shares of common stock for value, unless after such dividend declaration, payment, distribution or acquisition, there shall remain in earned surplus as shown by the books of the company the following amounts:

After Mar. 31, 1948, and before Jan. 1, 1949	$14,640,000
From Jan. 1, 1949, and before Jan. 1, 1950	16,140,000
From Jan. 1, 1950, and before Jan. 1, 1951	17,640,000
From Jan. 1, 1951, and before Jan. 1, 1952	19,140,000
And on and after Jan. 1, 1952	20,640,000

The amount of surplus so restricted is subject to certain adjustments as set forth in the mortgage.

The application-declaration states that it is believed that there will be compliance with section 6 (b) of the act since the issue and sale of the securities are solely for the purpose of financing the business of Ohio and will be expressly authorized by the Public Utilities Commission of Ohio, in which State Ohio was organized and doing business. It is further stated that a copy of the order of said Commission when issued will be filed as an amendment to the application-declaration.

Applicant-declarant requests that the Commission's order herein be issued on or before March 22, 1948 and that it be effective forthwith upon its issuance. Applicant-declarant also requests that the period for public invitation of sealed, written proposals for purchase of the Bonds be reduced to 8 days in order that the Company may receive bids on March 30, 1948.

Notice is further given that any interested person may, not later than March 22, 1948, at 11:30 a. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said amendment to the application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed as follows: Secretary, Securities and Exchange Commission, 425 Second Street, NW., Washington 25, D. C. At any time after March 22, 1948 at 11:30 a. m., e. s. t., said amendment to the application-declaration, as filed or as further amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-2330; Filed, Mar. 17, 1948; 8:51 a. m.]

[File Nos. 54-136, 59-83]

LONG ISLAND LIGHTING CO. ET AL.

NOTICE OF FILING OF AMENDED PLAN, ORDER RECONVENING PROCEEDINGS, AND ORDER FOR HEARING IN CONSOLIDATED PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of March 1948.

In the matters of Long Island Lighting Company, Queens Borough Gas and Electric Company, Nassau & Suffolk Lighting Company, Long Beach Gas Company, Inc.; File Nos. 54-136, 59-83.

Long Island Lighting Company ("Long Island"), a registered holding company, and its subsidiaries, Queens Borough Gas and Electric Company ("Queens"), Nassau & Suffolk Lighting Company ("Nassau"), and Long Beach Gas Company, Inc. ("Long Beach"), having heretofore jointly filed, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), a plan for their consolidation and recapitalization of the resultant consolidated corporation (designated as File No. 54-136); and

The Commission having heretofore instituted proceedings (designated as File No. 59-83) under section 11 (b) (2) of the act directed to Long Island, Queens, Nassau, and Long Beach in order to de-

termine whether voting power is unfairly and inequitably distributed among the security holders of each of such companies and whether an appropriate order or orders should be entered pursuant to said section; and

The proceedings with respect to the plan jointly filed by the said four companies under section 11 (e) of the act and the proceedings instituted under section 11 (b) (2) of the act having been consolidated, and hearings in the consolidated proceedings having been held from time to time;

Notice is hereby given that Long Island, Queens, and Nassau have now jointly filed, pursuant to section 11 (e) of the act, an amended plan (File No. 54-136) for the consolidation of Long Island, Queens, and Nassau and for the recapitalization of the resultant consolidated corporation which is to be called Long Island Lighting Company (the "Consolidated Corporation"). The stated principal purposes of the amended plan are to (a) form a single public-utility corporation operating in contiguous territory under a unified management, (b) reduce the capital of the constituent corporations and the Consolidated Corporation so as to create unearned surplus to be used for adjustments to the property, depreciation reserves, investment, and other accounts, (c) arrange the capital structure of the Consolidated Corporation so that it will be brought into proper relation to its earning power, and (d) effect a fair and equitable distribution of voting power among the shareholders of the three constituent corporations.

All interested persons are referred to said amended plan, which is on file in the offices of this Commission, for a full statement of the transactions and terms proposed therein which may be summarized as follows:

In addition to the long-term debt of the three constituent corporations which will be assumed upon consolidation by the Consolidated Corporation, it will have outstanding an aggregate of 2,417,377.4 shares of no par value common stock, having a stated value of $10 per share, or a total of $24,173,774 stated value.

On December 16, 1944, Long Island filed with the Secretary of State of the State of New York, with the approval of the Public Service Commission of the State of New York, a certain Certificate of Reduction of Capital. This Certificate provided, among other things, that (a) the par value of Long Island's outstanding 253,800 shares of 7% and 6% cumulative preferred stocks was to be reduced from $100 per share to $60 per share, and the liquidation, redemption, and dividend rights were to be determined upon such reduced par value, (b) the accumulated dividend arrearages on such cumulative preferred stocks at June 30, 1944, were to remain unaffected, (c) the company was to issue 503,800 shares of new common stock to its preferred and common stockholders on the basis of one share of new common stock for each share of preferred stock and each twelve shares of common stock outstanding, and (d) the unearned surplus resulting from the reduction in capital was to be used to increase the depreciation and other reserves of Long Island. Stock certificates representing shares of the outstanding common or preferred stocks were no longer to be issued or transferred but, from time to time, as certificates representing shares of such stocks were surrendered or presented to the company or its transfer agent for exchange or transfer, such stock certificates were to be stamped or overprinted with a legend setting forth the amendments, changes and alterations provided in the Certificate of Reduction of Capital, or new stock certificates setting forth the altered rights were to be issued. However, as a result of certain legal proceedings between this Commission and Long Island, and Long Island's registration as a holding company under the act on April 23, 1945, none of the certificates representing the shares of its stock outstanding prior to the filing of its Certificate of Reduction of Capital has been overprinted or exchanged, and none of the accounting entries authorized in connection therewith has been made upon its books.

The shares of the different classes of stock of Long Island, in the form of certificates representing the Series A $100 par value 7% cumulative preferred stock, the Series B $100 par value 6% cumulative preferred stock, and the common stock ($1 stated value), respectively, as they were prior to December 16, 1944 (the date of filing in the office of the Secretary of State of the State of New York by Long Island of its Certificate of Reduction of Capital) are respectively designated in the amended plan as "Old Series A Stock", "Old Series B Stock," and "Old Common Stock." The shares of stock of Long Island on the basis of its Certificate of Reduction of Capital are designated thereon as "Present Series A Stock," "Present Series B Stock," and "Present Common Stock," respectively. The shares of common stock of Long Island Lighting Company (as the Consolidated Corporation) to be issued to effect the consolidation are designated in the amended plan as "New Common Stock."

As noted, none of the certificates representing the shares of Long Island's stock outstanding prior to the filing of its Certificate of Reduction of Capital has been overprinted or exchanged.

The allocation among the existing public shareholders proposed by the amended plan is stated in the terms of the Old Stock as follows:

Stocks or certificates of deposit held by public	Number of shares outstanding	New common stock without par value—stated value $10 per share			
		Number of shares per share outstanding	Total number of shares	Total stated value	Percent of new common stock
Long Island:					
Pfd.—Old Series A 7%	74,750	8.7	650,325	$6,503,250	26.90
Pfd.—Old Series B 6%	179,050	7.7	1,378,685	13,786,850	57.04
Subtotal			2,029,010	20,290,100	83.94
Common—Old	3,000,000				
Subtotal for Long Island			2,029,010	20,290,100	83.94
Queens—6% Pfd	66,860	4.3	287,498	2,874,980	11.89
Nassau—7% Pfd	27,262	3.7	100,869.4	1,008,694	4.17
Total			2,417,377.4	24,173,774	100.00

The holders of the Old Common Stock of Long Island will receive $0.35 per share in cash, or an aggregate of $1,050,000 payable out of earnings accumulated subsequent to the effective date of the amended plan and before any of such earnings are distributed as dividends to the new common shareholders of the Consolidated Corporation. They will receive no New Common Stock or other securities, and upon consummation of the amended plan will cease to be shareholders of Long Island and will have no rights or interests in Long Island or the Consolidated Corporation except with respect to the right to receive the aforementioned cash payment.

The effective date of the amended plan is fixed as at December 31, 1947.

The amended plan further provides that this Commission will be requested to enforce it in an appropriate District Court of the United States and that it will not be submitted to stockholders of the constituent companies for their consent but will be effectuated pursuant to section 11 (e) of the act and section 26 (a) of the New York Stock Corporation Law.

It appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that a hearing be held with respect to the amended plan jointly filed by Long Island, Queens, and Nassau pursuant to section 11 (e) of the act and that such amended plan should not be approved except pursuant to further order of the Commission; and

It appearing appropriate to the Commission that the hearing with respect to the proceedings instituted pursuant to section 11 (b) (2) of the act be reconvened for the purpose of affording an opportunity to the parties and any interested persons to complete the presentation of evidence in such proceedings:

It is hereby ordered, That a hearing in such consolidated proceedings under the applicable provisions of the said act and the rules and regulations promulgated thereunder be held on the 7th day of April 1948, at 10 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 425 2d Street, N. W., Washington 25, D. C. On such day the hearing room clerk will advise as to the room where such hearing will be held. Any person desiring to be heard or otherwise wishing to participate therein shall notify the Commission to that effect in the manner provided in Rule XVII of the

Commission's rules of practice on or before April 5, 1948.

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matters. The officer so designated to preside at the hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act, and to a hearing officer under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the matters and questions presented in the consolidated proceeding, at the outset of the hearing cause be shown why an order should not be entered forthwith, pursuant to section 11 (b) (2) of the act, on the ground that voting power is unfairly and inequitably distributed among the security holders of Long Island, Queens, Nassau and Long Beach, directing each of said companies to take appropriate steps to redistribute voting power among the shareholders of each of said companies on a fair and equitable basis.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the amended plan and that, upon the basis thereof, the following matters and questions, with respect to the amended plan, are presented for consideration by the Commission, without prejudice to its specifying additional matters and questions upon further examination.

1. Whether the amended plan, as proposed, or as modified, is necessary to effectuate the provisions of section 11 (b) of the act;

2. Whether the treatment proposed to be accorded to the various persons affected by the amended plan is in all respects fair and equitable;

3. Whether the issuance by Long Island Lighting Company (the Consolidated Corporation) of the New Common Stock and the terms and provisions relating thereto conform to the standards and requirements of the applicable provisions of the act;

4. Whether the proposed reduction in the stated and par values of the capital stocks of the constituent corporations, and the creation of unearned surplus in connection therewith, satisfies the applicable standards of the act;

5. The propriety of the proposed accounting treatment on the books of each of the constituent corporations and of the Consolidated Corporation;

6. Whether the amended plan should be modified to include a provision for the payment by the Consolidated Corporation of such expenses, fees, and remuneration in connection with the amended plan or the proceedings with respect thereto as the Commission may determine, award or allow;

7. Generally, whether the proposed transactions in connection with the amended plan are in all respects in the public interest and in the interests of investors and consumers and consistent with all applicable requirements of the act and rules thereunder and, if not, what modifications should be required to be made therein and what terms and conditions should be imposed to satisfy the statutory standards;

It is further ordered, That, after consideration has been given to the matters and questions presented by the section 11 (b) (2) proceedings, particular attention be directed at said hearing to the matters and questions presented by the amended plan.

It is further ordered, That notice of said hearing is hereby given to Long Island, Queens, Nassau, and Long Beach, to the Public Service Commission of the State of New York, to the Secretary of State of the State of New York, to all persons who have heretofore participated in these consolidated proceedings, and to all other interested persons, said notice to be given to Long Island, Queens, Nassau, Long Beach, the Public Service Commission of the State of New York, the Secretary of State of the State of New York and to all other persons who have heretofore participated in these consolidated proceedings, by registered mail, and to all other persons by general release of this Commission which shall be distributed to the press and mailed to all persons on the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication of this notice and order in the FEDERAL REGISTER.

It is further ordered, That Long Island, Queens, Nassau, and Long Beach give notice of said hearing to their respective stockholders of record (insofar as the identity of such stockholders is available or known) by mailing, postage prepaid, to each such security holder to his last known address, a copy of this Notice and Order at least fifteen (15) days prior to the date of said hearing, and that such company, upon request of a shareholder, mail to such shareholder, free of charge, a copy of the amended plan.

It is further ordered, That jurisdiction be, and is hereby, reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues or questions which may arise in these proceedings, and to take such other action as may appear necessary or appropriate to the orderly and economical disposition of the issues involved.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-2333; Filed, Mar. 17, 1948; 8:52 a. m.]

[File No. 70-1738]

COLUMBIA GAS & ELECTRIC CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of March 1948.

Columbia Gas & Electric Corporation ("Columbia"), a registered holding company, having filed a declaration and amendments thereto, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale, pursuant to the competitive bidding requirements of Rule U-50, of $45,000,000 principal amount of Debentures due 1973; and

A public hearing having been held after appropriate notice and the Commission having considered the record and having made and filed its findings and opinion herein:

It is ordered, That, pursuant to the applicable provisions of said act, the said declaration, as amended, be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations under the act and subject to the further condition that the proposed sale of Debentures shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain further terms and conditions as may then be deemed appropriate, jurisdiction being reserved for such purposes.

It is further ordered, That jurisdiction be, and hereby is, reserved over the payment of all legal fees and expenses of all counsel in connection with the proposed transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-2334; Filed, Mar. 17, 1948; 8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 10733]

LOUISE KELLEY ET AL.

In re: Louise Kelley et al. v. William Siegmann et al. File No. D-28-9256; E. T. sec. 12147.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Susanne Stadler, also known as Susan or Susannah Statler, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $421.03 and any and all accruals thereto deposited with the Clerk of Courts, County of Cuyahoga, Ohio, depositary, pursuant to an order of the Court of Common Pleas of Cuyahoga County, Ohio, in the case of Louise Kelley et al. v. William Siegmann et al. is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the Clerk of Courts of Cuyahoga County, Ohio, as depositary, acting under the judicial supervision of

the Court of Common Pleas of Cuyahoga County, Ohio;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 4-2345; Filed, Mar. 17, 1948; 8:47 a. m.]

[Vesting Order 10748]

HERMAN SCHMID ET AL.

In re: Bank account, stock and a bond owned by Herman Schmid, Emma Sigel Bantlin, Pauline Silber, Elise Sigel Stoll, Louise Sigel Krohmer, Louise Koch, Berta Sigel Winter, also known as Bertha Sigel Winter, and Gottlieb Silber, Jr., also known as Gottlieb Sigel, Jr. F-28-15181-A-1, F-28-15181-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herman Schmid, Emma Sigel Bantlin, Pauline Silber, Elise Sigel Stoll, Louise Sigel Krohmer, Louise Koch, Berta Sigel Winter, also known as Bertha Sigel Winter, and Gottlieb Silber, Jr., also known as Gottlieb Sigel, Jr., whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of The Marine Trust Company of Buffalo, 237 Main Street, Buffalo, New York, arising out of a checking account, entitled A. Emily Schudt, maintained at the branch office of the aforesaid bank located at 2213 Seneca Street, Buffalo, New York, and any and all rights to demand, enforce and collect the same,

b. Fifty (50) shares of common capital stock of Murray Ohio Manufacturing Co., 1115 East 152nd Street, Cleveland 10, Ohio, a corporation organized under the laws of the State of Ohio, evidenced by a certificate numbered 10438, registered in the name of A. Emily Schudt, and presently in the custody of A. Emily Schudt in a safe deposit box in The Marine Trust Company of Buffalo, Buffalo, New York, together with all declared and unpaid dividends thereon.

c. One hundred and eighty (180) shares of common capital stock of Superior Tool & Die Co., 21535 Hoover Road, Detroit, Michigan, a corporation organized under the laws of the State of Michigan, evidenced by certificates numbered 17009 and 17010, registered in the name of A. Emily Schudt, and presently in the custody of A. Emily Schudt in a safe deposit box in The Marine Trust Company of Buffalo, Buffalo, New York, together with all declared and unpaid dividends thereon,

d. Forty-nine (49) shares of common capital stock of Harvill Aircraft Die Casting, (now Harvill Corporation) 6251 W. Century Blvd., Los Angeles, California, a corporation organized under the laws of the State of California, evidenced by certificates numbered 03025 and LPB1994, registered in the name of A. Emily Schudt, and presently in the custody of A. Emily Schudt in a safe deposit box in The Marine Trust Company of Buffalo, Buffalo, New York, together with all declared and unpaid dividends thereon, and

e. One Boston and Maine Railroad Income Mortgage Bond, Series A 4½%, due July 1, 1970, of $1,000.00 face value, bearing the number M 27329, presently in the custody of A. Emily Schudt in a safe deposit box in The Marine Trust Company of Buffalo, Buffalo, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Herman Schmid, Emma Sigel Bantlin, Pauline Silber, Elise Sigel Stoll, Louise Sigel Krohmer, Louise Koch, Berta Sigel Winter, also known as Bertha Sigel Winter, and Gottlieb Silber, Jr., also known as Gottlieb Sigel, Jr., the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2346; Filed, Mar. 17, 1948; 8:47 a. m.]

[Vesting Order 10754]

C. H. GAMERTSFELDER ET AL.

In re: C. H. Gamertsfelder, W. S. Gamertsfelder, and E. N. Gamertsfelder v. Ina May Kumagai. File No. D-39-19141; E. T. sec. 16415.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ina May Kumagai, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the sum of $1,631.83 in the possession of Jay Abbot, Sheriff of Coshocton County, Coshocton, Ohio, payable to the designated national named in subparagraph 1 hereof, pursuant to the order of the Court of Common Pleas of Coshocton County, Ohio, in the matter of C. H. Gamertsfelder, W. S. Gamertsfelder, and E. N. Gamertsfelder, Plaintiffs v. Ina May Kumagai, Defendant, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Japan);

3. That such property is in the process of administration by Jay Abbot, as Sheriff of Coshocton County, Coshocton, Ohio, acting under the judicial supervision of the Court of Common Pleas of Coshocton County, Ohio;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2347; Filed, Mar. 17, 1948; 8:47 a. m.]

[Vesting Order 10756]

JOHN D. KLINDWORTH

In re: Estate of John D. Klindworth, deceased. File No. D-29-250 E. T. 13773.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Tiedeman, nee Ohsen, and Anna Kathrina Peters, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Lena Tibke, and the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Fritz Peters, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of John D. Klindworth, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Stanley E. Nelson, Administrator d. b. n., acting under the judicial supervision of the Probate Court of Nobles County, Minnesota,

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the children, names unknown, of Lena Tibke and the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Fritz Peters, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2348; Filed, Mar. 17, 1948; 8:47 a. m.]

[Vesting Order 10774]

PHILIP EPPELSHEIMER

In re: Trust u/w of Philip Eppelsheimer, deceased. File No. D-28-9467; E. T. sec. 12743.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Schott, Lena Fritz, Elizabeth (Lena) Luff, Caroline Hammen, Marie Heinrich, Phillipina Fritz, Anna Beiling, Marie Reith, Minna Kinkel, Sophie Baush, Helen Christ, Pauline Christ, Fritz Christ (son of Fritz Christ), Fritz Christ (son of Philip Christ), William Christ, Jacob Christ, Rudolph Christ, Philip Trau and Emma Bohn, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the trust created under the Will of Philip Eppelsheimer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Charles Kenneway, as trustee, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2349; Filed, Mar. 17, 1948; 8:48 a. m.]

[Vesting Order 10783]

ELIZABETH NAU

In re: Estate of Elizabeth Nau, deceased. File D-28-12027; E. T. sec. 16211.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Klüpfel, Anna Baldauf, Elizabethe Höres, Anna Friedrich, Maria Hess, Heinrich Nau, Catherine Nau Krick and Catherine Nau, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Elizabeth Nau, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Augusta Lampus and Lillian Moritz, as executrices, acting under the judicial supervision of the Surrogate's Court of Essex County, New Jersey;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2350; Filed, Mar. 17, 1948; 8:48 a. m.]

[Vesting Order 10806]

ADOLF POHL

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Adolf Pohl, deceased. F-28-2440-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Adolf Pohl, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: Seventeen (17) shares of $1.00 par value common capital stock of General Ceramics Company, 30 Broad Street, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by certificate

number C-30, registered in the name of Adolf Pohl, deceased, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Adolf Pohl, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2351; Filed, Mar. 17, 1948; 8:48 a. m.]

[Vesting Order 10808]

ADELE RUHRMANN

In re: Debt owing to Adele Ruhrmann. F-28-28581-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adele Ruhrmann, whose last known address is Langenberg, Rhineland, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Adele Ruhrmann, by Savings and Loan Association Department of the State of Wisconsin, State Office Building, 1 West Wilson Street, Madison 2, Wisconsin, in the amount of $513.39, as of September 1947, representing four (4) liquidating dividends and a final liquidating dividend on paid up stock certificate number 16876 of Sterling Savings and Loan Association, Milwaukee, Wisconsin, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2352; Filed, Mar. 17, 1948; 8:48 a. m.]

[Vesting Order 10820]

MARY E. GRUHLE

In re: Estate of Mary E. Gruhle, also known as Mary E. Gruhler, deceased. File No. D-28-12187.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John Widman, Catherine Schanz and Barbara Hertler, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof in and to the estate of Mary E. Gruhle, also known as Mary E. Gruhler, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Albert E. Hill, Public Administrator of Alameda County, as Administrator w. w. a., acting under the judicial supervision of the Superior Court of California, Alameda County;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2353; Filed, Mar. 17, 1948; 8:49 a. m.]

STANDARD OIL CO. OF CALIFORNIA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Standard Oil Co. of California, San Francisco, Calif.	A-379	Property described in Vesting Order No. 673 (8 F. R. 5027, Apr. 17, 1943), relating to United States Letters Patent No. 1,869,231. This return shall not be deemed to include the rights of any licensees under the above patent.

Executed at Washington, D. C., on March 12, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-2356; Filed, Mar. 17, 1948; 8:49 a. m.]

[Vesting Order 10197, Amdt.]

MARY ANNA SCHINDLER

In re: Trust under the Will of Mary Anna Schindler, deceased. File No. F-28-8639; E. T. sec. 3787. Vesting Order 10197, dated November 19, 1947, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Execu-

tive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johannes Oechtering, Clement Oechtering, Rev. Herman Oechtering, Amon Oechtering, Max Oechtering, Franz Oechtering, and Emma Oechtering, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the property held by The Peoples Trust and Savings Company, 913–915 Calhoun Street, Fort Wayne, Indiana, as agent, pursuant to an order of the Allen Superior Court No. 2 of Allen County, Indiana, entered on October 3, 1945, in a proceeding entitled In the Matter of the Trust Created under the Will of Mary Anna Schindler, deceased, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48–2354; Filed, Mar. 17, 1948; 8:49 a. m.]

AUGUSTE LEHMER SCHULZE ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property and location
Auguste Lehmer Schulze, Inglewood, Calif., William Lehmer, Inglewood, Calif.; Marie Lehmer Heerde, Los Angeles, Calif.	5915	$2,167.14 in the Treasury of the United States, in equal shares of $722.38.

Executed at Washington, D. C., on March 12, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48–2357; Filed, Mar. 17, 1948; 8:49 a. m.]

[Dissolution Order 73]

KNORR FOOD PRODUCTS CORP.

Whereas, by Vesting Order Number 8079, executed January 24, 1947 (12 F. R. 1842, March 19, 1947), there were vested all the issued and outstanding shares of the capital stock of Knorr Food Products Corporation, a New York corporation; and

Whereas, Knorr Food Products Corporation has been substantially liquidated;

Now, under the authority of the Trading With the Enemy Act, as amended, the Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid, except such claim, if any, as the Attorney General of the United States may have for monies advanced or services rendered to or on behalf of the corporation; and

2. Having determined that it is in the national interest of the United States that said corporation be dissolved, and that its assets be distributed, and a Certificate of Dissolution having been issued by the Secretary of State of the State of New York;

Hereby orders, that the officers and directors of Knorr Food Products Corporation (to wit, Robert Kramer, President and Director, Kenneth P. Thompson, Secretary and Director, and Henry S. Sellin, Treasurer and Director, and their successors, or any of them) continue the proceedings for the dissolution of Knorr Food Products Corporation; and

Further orders, that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, state, and local taxes and fees owed by or accruing against the said corporation; and

(c) They shall then pay over, transfer, assign and deliver to the Attorney General of the United States, all of the funds and property, if any, remaining in their hands after the payments as aforesaid, the same to be applied by him, first in satisfaction of such claims, if any, as he may have for monies advanced or services rendered to or on behalf of the corporation, and second, as a liquidating distribution of assets to the Attorney General of the United States, as holder of all the issued and outstanding stock of the corporation; and

Further orders, that nothing herein set forth shall be construed as prejudicing the right, under the Trading With the Enemy Act, as amended, of any person who may have a claim against said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder; *Provided, however,* That nothing herein contained shall be construed as creating additional rights in such person; *Provided, further,* That any such claim against said corporation shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading With the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and

Further orders, that all actions taken and acts done by the said officers and directors of Knorr Food Products Corporation pursuant to this order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading With the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 12th day of March 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48–2355; Filed, Mar. 17, 1948; 8:49 a. m.]